

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 WILLIAM L. SMITH,  
5                                    Plaintiff,  
6                                    v.  
7 GMAC MORTGAGE, LLC, et al.,  
8                                    Defendants.

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No. 10-04235 CW  
ORDER DISMISSING  
CLAIMS AGAINST  
DEFENDANTS  
INNOVATIVE  
MORTGAGE, VINSON  
T. LUI AND SBMC  
MORTGAGE AND  
CLOSING CASE

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11            On November 30, 2010, the Court dismissed Plaintiff William L.  
12 Smith's claims against Defendants GMAC Mortgage, LLC, and ETS  
13 Services, LLC, for failure to prosecute. Plaintiff did not respond  
14 to these Defendants' motion to dismiss, even after the Court warned  
15 him that if he failed to do so, his claims against them would be  
16 dismissed. In its November 30 Order, the Court warned Plaintiff  
17 that, by January 21, 2011, if he had not filed proof that he served  
18 Defendants Innovative Mortgage, Vinson T. Lui and SBMC Mortgage or  
19 if these Defendants had not appeared by that date, his claims  
20 against them would also be dismissed for failure to prosecute.

21            Plaintiff has not filed proof that he has served Innovative  
22 Mortgage, Lui and SBMC Mortgage, and these Defendants have not  
23 appeared in this action. In a case management conference statement  
24 filed January 3, 2011, Plaintiff acknowledges that he has not  
25 served these Defendants. However, he has not moved for an  
26 extension of time to serve them. Accordingly, Plaintiff's claims  
27 against Innovative Mortgage, Vinson T. Lui and SBMC Mortgage are  
28 dismissed without prejudice for failure to prosecute.

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There are no other claims or Defendants remaining in this  
action. Thus, the Clerk shall close the file.

IT IS SO ORDERED.

Dated: 2/3/2011

  
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CLAUDIA WILKEN  
United States District Judge