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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
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6 FELICITO EGUILOS AND FELICIANA
7 EGUILOS,

8 Plaintiffs,

9 vs.

10 WELLS FARGO, a business form unknown,
11 GOLDEN WEST SAVINGS; DOES I
through X, inclusive, and ROE
CORPORATIONS, I through V, inclusive,

12 Defendants.
13

Case No: C 11-2019 SBA

**ORDER TO SHOW CAUSE RE
DISMISSAL**

14 Plaintiffs Felicito Eguilos and Feliciana Eguilos filed the instant pro se action
15 against Wells Fargo, among others, seeking to challenge the foreclosure of their home.
16 After the action was reassigned to the undersigned, the Court issued a Case Management
17 Scheduling Order for Reassigned Cases (“Schedule Order”) setting the matter for an initial
18 Case Management Conference (“CMC”) for October 20, 2011. Dkt. 9. The CMC date was
19 subsequently continued to December 8, 2011. Dkt. 10.

20 Attached to the Scheduling Order is a copy of the Court’s Standing Orders, which
21 instruct that a Joint CMC Statement is to be filed at least ten (10) days in advance of the
22 CMC. Dkt. 9 at 3. To date, however, no Joint CMC Statement has been filed in
23 anticipation of the CMC scheduled for December 8, 2011. The failure to comply with the
24 Federal Rules of Civil Procedure, the Local Rules of the Court or any Court Order is
25 grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See
26 Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). In addition, no appearances by
27 Defendants have been entered in this action, and there is nothing in the record to indicate
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1 that they have been served with the complaint within the 120 day time-frame specified by
2 Federal Rule of Civil Procedure 4(m). Accordingly,

3 IT IS HEREBY ORDERED THAT:

4 1. The Case Management Conference previously scheduled for December 8,
5 2011, is VACATED.

6 2. Plaintiff shall show cause why the instant action should not be dismissed
7 under Rule 41(b) for failure to comply with a Court order and Rule 4(m) for failure to serve
8 the complaint within 120 days of the date the complaint was filed. Within fourteen (14)
9 days of the date this order is filed, Plaintiff shall file a Certificate to explain why the case
10 should or should not be dismissed. The Certificate shall set forth the nature of the cause, its
11 present status, the reason it has not been brought to trial or otherwise terminated, any basis
12 for opposing dismissal and its expected course if not dismissed. FAILURE TO FULLY
13 COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO
14 DISMISS THE ACTION, WITHOUT FURTHER NOTICE.

15 IT IS SO ORDERED.

16 Dated: December 8, 2011



SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EGUILOS et al,

Plaintiff,

v.

WELLS FARGO BANK et al,

Defendant.

_____ /

Case Number: CV11-02019 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 8, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Feliciana Eguilos
2111 Gaynor Avenue
Richmond, CA 94801

Felicito Eguilos
2111 Gaynor Avenue
Richmond, CA 94801

Dated: December 8, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk