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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEDRO BRAMBILA and DOMINGA
BRAMBILA,
Plaintiffs,
v.
JACKIE WARDELL, et al.,
Defendants.

Case No.: 4:11-cv-05032-YGR
**ORDER TO SHOW CAUSE AND
SETTING COMPLIANCE HEARING**

United States District Court
Northern District of California

In an Order filed concurrently with this Order to Show Cause, the Court dismissed Defendants Jackie Worden, Catalina Padilla, and Wells Fargo Bank, N.A. from this action due to Plaintiffs' failure to prosecute.

A compliance hearing regarding why the action should not be dismissed as to remaining Defendants Thomas Song and Miles, Bauer, Bergstrom & Winters, LLP ("Defendants Song and Miles LLP") shall be held on Friday, April 6, 2012 on the Court's 9:01 a.m. calendar in the Federal Courthouse, 1301 Clay Street, Oakland, California, in a courtroom to be designated.

As to Defendants Song and Miles LLP, it is not clear to the Court whether these Defendants were ever properly served. It is further unclear to the Court what the nature of the allegations against them are. Although Defendants Song and Miles LLP were not parties to any motions to dismiss filed in this action, the Court finds they are similarly situated and entitled to dismissal of the complaint against them. *Silverton v. Dep't of Treasury*, 644 F.2d 1341, 1345 (9th Cir. 1981) ("A District Court may properly on its own motion dismiss an action as to defendants who have not moved to dismiss where such defendants are in a position similar to that of moving defendants or where claims against such defendants are integrally related."). The Court sees no reason why a failure to prosecute as to

1 some defendants should not apply to all other defendants, particularly where the alleged actions of the
2 latter defendants are unclear. In addition, Plaintiffs failed to submit a Case Management Conference
3 Statement in response to the Court's Reassignment Order dated January 18, 2012, nor did Plaintiffs
4 respond to the Court's Order Regarding Oppositions to Defendants' Motions to Dismiss. Dkt. Nos.
5 17 & 20, respectively. It does not appear to the Court that Plaintiffs seek to further prosecute this
6 action.

7 Plaintiffs must file a written response to this Order to Show Cause, if they contest it, and must
8 personally appear at the compliance hearing. Neither a special appearance nor a telephonic
9 appearance will be permitted. Failure to file a written response or to appear personally will be
10 deemed an admission that no good cause exists for Plaintiffs' failure and the action will be dismissed
11 for failure to prosecute.

12 **IT IS SO ORDERED.**

13
14 Dated: February 24, 2012


15 YVONNE GONZALEZ ROGERS
16 UNITED STATES DISTRICT COURT JUDGE