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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
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6 ELISA A. MARCAIDA and FREDERICO R.
7 MARCAIDA,

8 Plaintiffs,

9 vs.

10 WASHINGTON MUTUAL BANK FA, et al.,

11 Defendants.
12

Case No.: 12-cv-00918-YGR

**ORDER OF DISMISSAL FOR FAILURE TO
PROSECUTE**

13 The Court issued an Order to Show Cause to Plaintiffs on August 21, 2012, scheduling an
14 Order to Show Cause hearing on September 14, 2012. (Dkt. No. 14.) Plaintiffs were ordered to file a
15 written response to the Order to Show Cause by September 7, 2012 and, specifically, address why the
16 action should not be dismissed for failure to prosecute and whether defendants had ever been served.
17 The Order to Show Cause noted that under Federal Rule of Civil Procedure 4(m), a defendant must be
18 served within 120 days from the date a lawsuit is filed. The Court also stated that "Plaintiffs' failure
19 to file a written response or to appear personally will be deemed an admission that no good cause
20 exists to continue prosecuting this action and the case will thereafter be dismissed."
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22 Plaintiffs did not file a written response as required, nor did Plaintiffs appear at the Order to
23 Show Cause hearing. The Order to Show Cause sent to Plaintiffs in August 2012 was returned as
24 undeliverable, as were other items mailed to Plaintiffs in May 2012.

25 In light of Plaintiffs' failure to prosecute this action since May 2012 and failure to respond to
26 the Court's Order to Show Cause, this action is hereby **DISMISSED WITHOUT PREJUDICE**.

27 **IT IS SO ORDERED.**
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Date: June 21, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE