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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **JOHN FRANCES MCCLOSKEY, III et al.,**

9 **Plaintiffs,**

10 **vs.**

11 **LAND HOME FINANCIAL SERVICES et al.,**

12 **Defendants.**
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Case No.: 12-CV-02775 YGR

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

14 On February 13, 2013, the Court dismissed Plaintiffs' complaint with leave to file a motion
15 for leave to file a first amended complaint. (Dkt. No. 24.) Plaintiffs were warned that failure to file a
16 motion to amend would result in dismissal of this action for failure to prosecute. (*Id.*) Plaintiffs, who
17 are represented by counsel, filed a Motion for Leave to File a First Amended Complaint but failed to
18 comply with the Civil Local Rules and append the proposed amended complaint to the motion. *See*
19 Civ. L.R. 10-1. Plaintiffs were provided until March 25, 2013 to refile the motion to amend so as to
20 comply with the local rule. (*See* Dkt. No. 27.) To date, Plaintiffs have not refiled their motion to
21 amend.

22 Plaintiffs' Motion for Leave to File First Amended Complaint (Dkt. No. 26) is **DENIED** for
23 failure to comply with the Local Rules of Court.

24 Accordingly, pursuant to Federal Rule of Civil Procedure 41, this action is **DISMISSED**
25 **WITHOUT PREJUDICE** for failure to prosecute.

26 **IT IS SO ORDERED.**

27 **Date: April 4, 2013**
28


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California