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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

RALPH HAYES,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: CV 13-00420 KAW

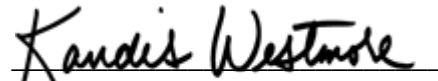
**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

Plaintiff Ralph Hayes filed this action against Defendant Wells Fargo Bank. On August 12, 2013, the Court dismissed Plaintiff's First Amended Complaint with leave to amend only the first, third, and twelfth causes of action to the extent that Plaintiff can truthfully allege non-preempted allegations. Plaintiff was given 30 days to file a second amended complaint, but did not do so, presumably because he could not allege non-preempted allegations.

As a result, the Court dismisses Plaintiff's complaint with prejudice for failure to prosecute. The Clerk of the Court shall close this case.

IT IS SO ORDERED.

DATE: September 30, 2013

  
KANDIS A. WESTMORE  
United States Magistrate Judge