

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 **JOHN EDWARD ROBINSON, ET AL.,**

4 Plaintiffs,

5 v.

6 **WELLS FARGO HOME MORTGAGE, ET AL.,**

7 Defendants.
8

Case No. 16-cv-01619-YGR

ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE

9 Plaintiffs John Edward Robinson and Janice M. Walsh, proceeding *pro se*, bring this action
10 against defendant Wells Fargo Bank, N.A. Plaintiffs filed an amended complaint on January 4,
11 2017. (Dkt. No. 54, "FAC.") On January 19, 2017, defendant filed a motion to dismiss the FAC.
12 (Dkt. No. 58.) Plaintiff's response was due on February 2, 2017. On February 10, 2017,
13 defendant filed a notice of non-receipt of opposition to its motion to dismiss, and requests that this
14 Court grant its motion. (Dkt. No. 63.) As of today, plaintiffs have yet to file a response to
15 defendant's motion to dismiss. As a result, the Court is considering dismissing plaintiffs' lawsuit
16 for "failure to prosecute," that is, a failure to meet deadlines to keep the lawsuit moving forward.

17 Plaintiffs are hereby **ORDERED TO SHOW CAUSE** why the Court should not dismiss the
18 case for failure to prosecute. Not later than Friday, February 24, 2017, plaintiffs must file either:
19 (i) a response to defendant's motion to dismiss; or (ii) a written response to this Order to Show
20 Cause, indicating why the case should not be dismissed for failure to prosecute. Failure to file a
21 written response will be deemed an admission that plaintiffs do not intend to prosecute, and the
22 case will be dismissed without prejudice.

23 The Court also **VACATES** the hearing on defendant's motion to dismiss currently set for
24 February 28, 2017.

25 **IT IS SO ORDERED.**

26 Dated: February 13, 2017

27 
28 **YVONNE GONZALEZ ROGERS**
UNITED STATES DISTRICT COURT JUDGE