

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION


Miguel Gonzalez, NO. C 08-05485 JW  
Plaintiff, **ORDER OF DISMISSAL PURSUANT TO**  
v. **FED. R. CIV. P. 41(b) WITH PREJUDICE**  
ReconTrust Company, et al.,  
Defendants.

---

On November 5, 2008, Plaintiff filed this action in the Superior Court of California for the County of Santa Clara. (See Docket Item No. 1.) On December 5, 2008, Defendants removed this action to federal court based on federal question jurisdiction. (Id.) On December 30, 2008, Plaintiff filed an Amended Complaint. (See Docket Item No. 12.) On March 12, 2009, the Court issued an Order dismissing Plaintiff's claims with leave to amend. (See Docket Item No. 23.) The Court ordered Plaintiff to file an Amended Complaint no later than March 23, 2009. The Court warned Plaintiff that failure to file an Amended Complaint within the time permitted would be deemed sufficient grounds for dismissal with prejudice under Fed. R. Civ. P. 41(b). To date, Plaintiff has not filed an Amended Complaint.

Accordingly, Plaintiff's action is DISMISSED with prejudice for lack of prosecution.

Dated: April 7, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David Nathan de Ruig [david.deruig@bryancave.com](mailto:david.deruig@bryancave.com)  
3 Jennifer Raphael Komsky [jenkomsky@sbcglobal.net](mailto:jenkomsky@sbcglobal.net)  
4 Marc Hannan Phelps [marc.phelps@bryancave.com](mailto:marc.phelps@bryancave.com)  
5 Mitchell W. Roth [fedfilings@mwroth.com](mailto:fedfilings@mwroth.com)  
6 Stacey L. Herter [stacey.herter@bryancave.com](mailto:stacey.herter@bryancave.com)

7 **Dated: April 7, 2009**

**Richard W. Wieking, Clerk**

8 **By:           /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28