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| **E-Filed 4/4/2011** | | | | |
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| IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA | | | | |
| SAN JOSE DIVISION | | | | |
| Case Number 5:09-cv-03217 JF/PSG | | | | |
| ORDER ¹ ADOPTING REPORT AND RECOMMENDATION TO DISMISS FOR FAILURE TO PROSECUTE | | | | |
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Plaintiff filed the complaint in this action on July 15, 2009. However, Plaintiff has not served Defendant. In addition, Plaintiff did not file a case management conference statement or appear for a scheduled case management conference on November 10, 2009. On February 8, 2010, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. Plaintiff failed to respond to the order. On March 3, 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a United States District Judge, recommending that the case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). No party has objected to the recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and Civil
Local Rule 72-3, this Court concurs with and adopts in its entirety Judge Grewal's Report and
Recommendation. Accordingly, the action will be dismissed for failure to prosecute.

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¹ This disposition is not designated for publication and may not be cited.

Case No. 05:09-cv-03217 JF/PSG

ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS FOR FAILURE TO PROSECUTE (JFLC3)

| 1 | IT IS SO ORDERED. |
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| 2 | DATED: April 4,2011 JEREMY FOGEL United States District Judge |
| 3 | United States District Judge |
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| | 2 Case No. 05:09-cv-03217 JF/PSG ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS FOR FAILURE TO PROSECUTE (JFLC3) |

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| 7 | IN THE UNITED STATES I | NSTRICT COURT | | |
| 8 | FOR THE NORTHERN DISTRICT OF CALIFORNIA | | | |
| 9 | SAN JOSE DIVISION | | | |
| 10 | SAIV JUSE DIV | | | |
| 11 | ALFONSO GUZMAN, | Case Number 5:09-cv-03217 JF/PSG | | |
| 12 | Plaintiff, | | | |
| 13 | V. | CERTIFICATE OF SERVICE | | |
| 14 | SHERATON HOTEL, | | | |
| 15 | Defendant. | | | |
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| 18 | I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United States District Court, Northern District of California. | | | |
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| 20 | On April 4, 2011, I served a true and correct c persons hereinafter listed by placing said copy in a po | | | |
| 21 | envelope in the United States mail, or by placing said receptacle located in the Clerk's Office: | envelope in the outgoing mail delivery | | |
| 22 | - | | | |
| 23 | Alfonso Guzman 2314 Poplar Avenue | | | |
| 24 | E. Palo Alto, CA 94303 | | | |
| 25 | 1 / | for the Court | | |
| 26 | | Richard W. Weiking, Clerk | | |
| 27 | Γ | By: <u>/s/</u> Diana Munz | | |
| 28 | (| Courtroom Deputy Clerk | | |
| | 3 Case No. 05:09-cv-03217 JF/PSG | | | |
| | ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS FOR FAILURE TO PROSECUTE (JFLC3) | | | |