

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
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JUAN CARLOS CUELLAR, et al.)

Plaintiffs,)

v.)

ANTHONY FIDEL ALAMILLO, et al.,)

Defendants.)

Case No.: C 09-4047 PSG

**ORDER TO SHOW CAUSE WHY
ANSWER SHOULD NOT BE
STRICKEN, DEFAULT ENTERED,
AND A DEFAULT JUDGEMENT
ISSUED AGAINST DEFENDANTS.**

A case management conference was scheduled in this matter for December 28, 2010. Counsel for Defendants did not appear. Defendants' counsel also failed to appear at the case management conference scheduled for December 14, 2010. Additionally, Defendants have failed on four separate occasions to file a timely Case Management Statement. *See* Clerk's Notice Continuing Case Management Conference dated September 9, 2010 (Docket No. 29), Order Vacating Preliminary Pretrial Conference dated October 28, 2010 (Docket No. 33), Order to Show Cause Why Case Should Not Be Dismissed for Failure to Prosecute dated December 15, 2010 (Docket No. 38), Order Dissolving December 15, 2010 Order to Show Cause dated December 20, 2010 (Docket No. 40).


If a defendant has failed to defend and that failure is shown by affidavit or otherwise, then the clerk must enter the defendant's default. The clerk or the court may then issue a default

1 judgment against the defendant. *See* Fed. R. Civ. P. 55. Accordingly,

2 IT IS HEREBY ORDERED that Defendants must show cause why their answer should not
3 be stricken, default entered, and a default judgment issued against them in this manner.

4 Defendants shall respond in writing no later than January 4, 2011.

5 Dated: December 28, 2010

6 
7 PAUL S. GREWAL
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28