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E-Filed 4/4/2011

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

WYLMINA E. HETTINGA, et al.,

Plaintiffs,

v.

TIMOTHY P. LOUMENA, et al.,

Defendants.

Case Number 5:10-cv-02975 JF/PSG

ORDER¹ ADOPTING REPORT AND RECOMMENDATION TO DENY WITHOUT PREJUDICE MOTION TO PROCEED *IN FORMA PAUPERIS* AND TO SHOW CAUSE FOR FAILURE TO PROSECUTE

[RE: Doc. No. 2]

On July 7, 2010, Plaintiffs filed the instant complaint and motion for leave to proceed in *in forma pauperis*. However, Plaintiffs did not file a case management conference statement or appear for a scheduled case management conference on September 28, 2010. In addition, no Plaintiff filed either a written consent to the jurisdiction of a magistrate judge or request for reassignment to a district judge. On March 14, 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a United States District Judge, recommending that Plaintiffs' application to proceed *in forma pauperis* be denied and an order to show cause be issued for failure to prosecute be issued. 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, Plaintiffs' application to proceed *in forma pauperis* will be

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

1	denied without prejudice. Plaintiffs are hereby ordered to show cause on April 29, 2011 at 10:30		
2	a.m., why this action should not be dismissed for failure to prosecute. If Plaintiffs do not file a		
3	response to the order to show cause by April 22, 2011, demonstrating why the case should not be		
4	dismissed, the Court will dismiss the action without prejudice, pursuant to Fed. R. Civ. Pro.		
5	41(b), for failure to prosecute.		
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7	IT IS SO ORDERED.		
8	DATED: April 4,2011 JEREMY FOGEL		
9	United States District Judge		
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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
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12	WYLMINA E. HETTINGA, et al.,	Case Number 5:10-cv-02975 JF/PSG	
13	Plaintiff,	CERTIFICATE OF SERVICE	
14	v.		
15	TIMOTHY P. LOUMENA, et al.,		
16	Defendants.		
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19	I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United States District Court, Northern District of California.		
20	On April 4, 2011, I served a true and correct c		
21	persons hereinafter listed by placing said copy in a postage paid envelope and depositing said envelope in the United States mail, or by placing said envelope in the outgoing mail delivery		
22	receptacle located in the Clerk's Office:		
23	Wylmina E Hettinga 844 Downswood Court		
24	San Jose, CA 95120		
25	DATED: April 4, 2011 F	For the Court	
26		Richard W. Weiking, Clerk	
27	F T	By: Diana Munz	
28		Courtroom Deputy Clerk	
	3		
	Coso No. 05:10 ov 02075 IE/DSC		