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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LEONILA A. PONO,  
Plaintiff,  
v.  
OWNIT MORTGAGE SOLUTIONS, et al.,  
Defendants.

Case No.: C 10-02979 PSG

**ORDER TO SHOW CAUSE WHY  
CASE SHOULD NOT BE DISMISSED  
FOR FAILURE TO PROSECUTE**

Plaintiff filed the complaint in this action on July 7, 2010. The deadline for service was 120 days from that date, November 4, 2010. *See* Fed. R. Civ. P. 4(m). Thus, the time for service on Defendants has expired. No Defendant has been served. Additionally, the parties were required to file a Case Management Conference Statement on September 21, 2010 and to appear for a case management conference on September 28, 2010. *See* Order Setting Initial Case Management Conference and ADR Deadlines dated July 7, 2010 (Docket No. 2). None of the parties did so. Also, by September 21, 2010, the parties were required either to file written consent to the jurisdiction of the magistrate judge or to request reassignment to a district judge. *See* Civ. L.R. 73-1(a)(1). None of the parties did so.

If the plaintiff fails to prosecute or to comply with these rules or a court order, the court may dismiss the action. *See* Fed. R. Civ. P. 41(b). Accordingly,

IT IS HEREBY ORDERED that Plaintiff show cause why the case should not be dismissed

1 for failure to prosecute. Plaintiff shall respond in writing no later than January 18, 2010. If  
2 Plaintiff fails to show cause, this case will be reassigned to a district judge with a recommendation  
3 for dismissal.

4 Dated: December 28, 2010

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7 PAUL S. GREWAL  
8 United States Magistrate Judge  
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*Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

copies mailed on 12/28/10 to:

Leonila A. Pono  
3038 East Hills Drive  
San Jose, CA 95127

/s/ Kelly Lowenberg for  
OSCAR RIVERA  
Courtroom Deputy