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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KIM HA VU, et al.,  
Plaintiffs,  
v.  
WASHINGTON MUTUAL BANK FA, et  
al.,  
Defendants.

Case No.: C 10-04000 PSG  
**REQUEST FOR REASSIGNMENT TO  
A U.S. DISTRICT COURT JUDGE;  
REPORT AND RECOMMENDATION  
RE DISMISSAL FOR FAILURE TO  
PROSECUTE**

Plaintiff filed the complaint in this action on September 7, 2010. The parties were required to file a case management statement on November 16, 2010 and to appear for a case management conference on November 23, 2010.<sup>1</sup> Also, by November 16, 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.<sup>2</sup> None of the parties filed a case management statement or consented or declined magistrate judge jurisdiction, and on November 22, 2010 the Clerk rescheduled the case management conference for January 4, 2011.<sup>3</sup> On January 4, 2011, none of the parties appeared at

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<sup>1</sup> See 9/10/10 Order Setting Initial Case Management Conference and ADR Deadlines (Docket No. 3).  
<sup>2</sup> See Civ. L.R. 73-1(a)(1).  
<sup>3</sup> See 11/22/10 Clerks Notice (Docket No. 6).

1 the case management conference.

2 If the plaintiff fails to prosecute or to comply with these rules or a court order, the court may  
3 dismiss the action.<sup>4</sup> On February 16, 2011, the court ordered Plaintiff to show cause in writing no  
4 later than March 2, 2011 why the case should not be dismissed for failure to prosecute. To date,  
5 Plaintiff has not responded whatsoever. Accordingly, the above-captioned action shall be reassigned  
6 to a U.S. District Judge with a report and recommendation that the case be dismissed for failure to  
7 prosecute.

8 Dated: March 14, 2011

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11 PAUL S. GREWAL  
12 United States Magistrate Judge  
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<sup>4</sup> See Fed. R. Civ. P. 41(b).

1 **Notice of this filing was automatically mailed to counsel via the court's Electronic Case Filing**  
2 **system.**

3 **A copy of this filing was mailed to:**

4 Kim Ha Vu  
5 18900 Newsom Avenue  
6 Cupertino, CA 95014

7 Huy Vu  
8 18900 Newsom Avenue  
9 Cupertino, CA 95014

10 Dated:

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Chambers of U.S. Magistrate Judge Paul S. Grewal