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2 \*\*E-Filed 4/20/2011\*\*  
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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
7 **SAN JOSE DIVISION**

8 KIM HA VU, et al.,

9 Plaintiffs,

10 v.

11 WASHINGTON MUTUAL BANK FA, et al.,

12 Defendants.  
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Case Number 5:10-cv-04000 JF/PSG

ORDER<sup>1</sup> ADOPTING REPORT AND  
RECOMMENDATION TO DISMISS  
FOR FAILURE TO PROSECUTE

15 Plaintiff filed the complaint in this action on September 7, 2010. However, Plaintiff did  
16 not appear for scheduled case management conferences on November 23, 2010 and January 4,  
17 2011. On February 16, 2011, the Court ordered Plaintiff to show cause why the case should not  
18 be dismissed for failure to prosecute. Plaintiff failed to respond to the order. On March 14,  
19 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a United States  
20 District Judge, recommending that the case be dismissed for failure to prosecute pursuant to Fed.  
21 R. Civ. P. 41(b). No party has objected to the recommendation.

22 Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and Civil L.R. 72-3, this Court  
23 concurs with and adopts in its entirety Judge Grewal's Report and Recommendation.  
24 Accordingly, the action will be dismissed for failure to prosecute. The Clerk shall enter  
25 judgment and close the file.  
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28 <sup>1</sup> This disposition is not designated for publication and may not be cited.

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IT IS SO ORDERED.

DATED: April 20,2011



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JEREMY FOGEL  
United States District Judge

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KIM HA VU, et al.,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK FA, et al.,

Defendants.

Case Number 5:10-cv-04000 JF/PSG

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United States District Court, Northern District of California.

On April 20, 2011, I served a true and correct copy of the attached document to each of the 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 receptacle located in the Clerk's Office:

Kim Ha Vu  
18900 Newsom Avenue  
Cupertino, CA 95014

Huy Vu  
18900 Newsom Avenue  
Cupertino, CA 95014

DATED: April 20, 2011

For the Court  
Richard W. Weiking, Clerk

By: \_\_\_\_\_/s/  
Diana Munz  
Courtroom Deputy Clerk