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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

AMELIA J. TOJINO,	) Case No.: 11-CV-00045-LHK
Plaintiff,	) ORDER TO SHOW CAUSE WHY CASE
v.	) SHOULD NOT BE DISMISSED
JP MORGAN CHASE BANK, N.A., et al.,	)
Defendant.	)

Plaintiff Amelia Tojino filed the Complaint in this action on January 5, 2011. Since that date, Plaintiff has taken no action in this case, and there is no indication that the Defendants have been served. Under Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time." In this case, the 120-day period to serve Defendants expired on May 5, 2011. In addition, Plaintiff failed to either consent to proceed before a magistrate judge or request reassignment to a district judge by the deadline ordered by Magistrate Judge Paul S. Grewal. *See* Order That Case Be Reassigned, ECF No. 5.

The Court held a Case Management Conference on May 18, 2011. Neither Plaintiff nor Plaintiff's counsel appeared, and no case management statement was filed. Based upon Plaintiff's failure to appear, to respond to orders of the Court, and to timely serve Defendants, it appears that

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ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

Plaintiff no longer seeks to litigate this case. Accordingly, the Court hereby ORDERS Plaintiff to show cause with this case should not be dismissed without prejudice for failure to prosecute and failure to timely serve Defendants. Plaintiff must file a written response by June 2, 2011. If Plaintiff fails to respond, the case will be dismissed without prejudice.

IT IS SO ORDERED.

Dated: May 18, 2011

_____

LUCY H. KOH
United States District Judge

Case No.: 11-CV-00045-LHK
ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

United States District Court
For the Northern District of California