

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

)	Case No.: 11-CV-3726-LHK
OLIVIA JIMENEZ RAMIREZ; LUCIA R.)	
JIMENEZ,)	ORDER DISMISSING CASE FOR
)	FAILURE TO PROSECUTE
Plaintiffs,)	
v.)	
)	
SAXON MORTGAGE SERVICES, INC.,)	
MERS; FV-1, INC., IN TRSUT FOR MORGAN)	
STANLEY MORTGAGE CAPITAL HOLDINGS,)	
LLC, DOES 1-100, inclusive,)	
)	
Defendants.)	

On June 9, 2011, Plaintiffs, in pro per, filed an action in California Superior Court alleging claims for “unlawful trustee sale;” violation of Cal. Civ. Proc. § 2923.5; breach of implied covenant of good faith and fair dealing; and “defendant has not standing right to title.” ECF No. 1, Ex. A, at 6. On July 29, 2011, the case was removed by Defendants based on diversity jurisdiction.

On August 5, 2011, Defendants filed a motion to dismiss. ECF No. 4. After the case was reassigned to the undersigned on August 25, 2011, ECF No. 6, Defendants filed and served on Plaintiffs, by mail, an amended motion to dismiss on August 26, 2011. ECF No. 7. Per the Civil Local Rules, Plaintiffs’ opposition was due September 9, 2011. On August 29, 2011, Defendants gave notice, by mail, to Plaintiffs that Plaintiffs’ opposition was due on September 9, 2011, and that the motion was set for hearing on November 17, 2011. ECF No. 9. Plaintiffs failed to file an opposition on September 9, 2011, or any time thereafter. On September 16, 2011, Defendants gave notice, again by mail, that Defendants’ motion was unopposed. ECF No. 11.

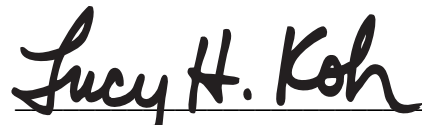
On November 9, 2011, the Court ordered Plaintiffs to show cause why this case should not be dismissed for failure to prosecute. ECF No. 12. Plaintiffs were ordered to respond to the order to show cause by December 1, 2011. Plaintiffs have not filed a response. A hearing on the order

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to show cause was held on December 8, 2011. Plaintiffs failed to appear at this hearing. In light of Plaintiffs' failure to respond to the order to show cause and failure to appear at the December 8, 2011 hearing, the Court DISMISSES this case without prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: December 8, 2011



LUCY H. KOH
United States District Judge