

1 The hearing on the motion to dismiss and the case management conference set for January
2 26, 2012 are VACATED. The Court hereby ORDERS Plaintiff to show cause why this case
3 should not be dismissed for failure to prosecute. This Order does not authorize Plaintiff to file an
4 untimely opposition to Defendant's motion to dismiss. Plaintiff has until January 19, 2012 to file a
5 response to this Order to Show Cause. A hearing on this Order to Show Cause is set for
6 **Thursday, January 26, 2012 at 1:30 P.M.** In addition, by the hearing on the Order to Show
7 Cause, Plaintiff must file proofs of service of the summons and complaint as to all Defendants in
8 compliance with Federal Rule of Civil Procedure 4(m). Plaintiff's failure to respond to this Order
9 and to appear at the January 26, 2012 hearing will result in dismissal with prejudice for failure to
10 prosecute.

11 In the event that Plaintiff timely files a response to this Order, Defendant Wachovia
12 Mortgage is on notice that the Court may at that time request supplemental briefing from both
13 parties as to whether the remaining Defendants were fraudulently joined in the state court action as
14 Wachovia Mortgage has alleged in its notice of removal. *See* ECF No. 1.

15 **IT IS SO ORDERED.**

16 Dated: January 11, 2012

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LUCY H. KOH
United States District Judge