UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLAUDIA MARTINEZ, an individual, Plaintiff, v. INDYMAC MORTGAGE SERVICES, a division of ONEWEST BANK, FSB; FREDDIE MAC, and DOES 1-100, inclusive, Defendants.	Case No.: 5:12-CV-00147-LHK ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

Plaintiff Claudia Martinez filed a complaint against Indymac Mortgage Services and Freddie Mac (collectively "Defendants") on June 1, 2011. *See* ECF No. 1. On January 20, 2011, Defendants filed a Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment pursuant to Federal Rules of Civil Procedure 12(b)(6) and 56. *See* ECF No. 5. Plaintiff declined to proceed before a magistrate judge on January 24, 2012, and the case was reassigned to the undersigned judge on January 26, 2012. ECF No. 10. On February 3, 2012, Defendants filed a new Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiff's opposition to the motion to dismiss was due on February 17, 2012. Plaintiff has not filed an opposition or statement of non-opposition to Defendants' motion.

The hearing on Defendants' motion and the case management conference set for May 24, 2012 are VACATED. The Court hereby ORDERS Plaintiff to show cause why this case should not be dismissed for failure to prosecute. This Order does not authorize Plaintiff to file an untimely opposition to Defendants' motion. Plaintiff has until **May 10, 2012** to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **Thursday, May 24, 2012 at 1:30 P.M.** Plaintiff's failure to respond to this Order and to appear at the May 24, 2012 hearing will result in dismissal with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: April 27, 2012

LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California