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 DISMISSING CASE WITH PREJUDICE FOR FAILURE TO PROSECUTE

Plaintiff Claudia Martinez filed a complaint in state court against Indymac Mortgage Services and Freddie Mac (collectively "Defendants") on June 1, 2011. *See* ECF No. 1. On January 9, 2012, Defendants removed this case to federal court. On January 20, 2012, 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 Nos. 8, 10. On February 3, 2012, Defendants filed a renewed 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.

On April 27, 2012, the Court ordered plaintiff to show cause why this case should not be dismissed for failure to prosecute. ECF No. 13. The order to show cause ordered Plaintiff to respond to the order to show cause by May 10, 2012, and to appear at the hearing on the order to show cause on May 24, 2012 at 1:30 p.m. The order stated that if Plaintiff failed to respond to the order and failed to appear at the May 24, 2012 hearing, this case would be dismissed with prejudice for failure to prosecute. Plaintiff failed to respond to the order to show cause and failed to appear at the order to show cause hearing. Accordingly, the Court DISMISSES this case with prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: May 24, 2012

Lucy H. Koh

LUCY H. KOH
United States District Judge