UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ELFEGO LARA and LEONOR LARA, Plaintiffs, v. AMERICAN HOME MORTGAGE SERVICING, INC., a Delaware Corporation, and DOES 1-100, Defendants.	Case No.: 12-cv-01130-LHK ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

On February 6, 2012, Plaintiffs Elfego Lara and Leonor Lara (collectively "Plaintiffs") commenced this action against Defendant American Home Mortgage Servicing, Inc. ("Defendant") in the Superior Court of California, County of Santa Clara, which Defendant then removed to federal court on March 6, 2012, asserting jurisdiction under 28 U.S.C. § 1332 as the ground for removal. *See* ECF No. 1 ("Notice of Removal"), ¶ 2. On March 13, 2012, Defendant filed a motion to dismiss the Complaint for failure to state a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 5. Plaintiffs did not file an opposition. *See* ECF No. 9. Because Plaintiffs did not consent to proceed before a United States Magistrate Judge, the case was reassigned to the undersigned judge on April 9, 2012. *See* ECF No. 13. Defendant re-noticed its motion to dismiss on April 11, 2012, which is set for hearing on July 26, 2012. *See* ECF No. 14. Plaintiffs have again failed to file an opposition by their response date. *See* ECF No. 16.

Accordingly, the Court hereby ORDERS Plaintiffs to show cause by June 1, 2012, why this case should not be dismissed for failure to prosecute. This Order does not authorize Plaintiffs to file an untimely opposition to Defendant's motion to dismiss. The hearing on Defendant's motion to dismiss and the case management conference scheduled for July 26, 2012, are VACATED, and a hearing on this Order to Show Cause is set for June 13, 2012, at 2:00 p.m. Plaintiffs' failure to response to this Order and to appear at the June 13, 2012 hearing will result in dismissal of this action with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: May 18, 2012

LUCY H. KOH
United States District Judge