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 DISMISSING CASE

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 by the March 26, 2012 response date. *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 was set for hearing on July 26, 2012. *See* ECF No. 14.

On May 18, 2012, the Court ordered Plaintiffs to show cause by June 1, 2012, why this case should not be dismissed for failure to prosecute. *See* ECF No. 18. Plaintiffs failed to respond by June 1, 2012, and failed to appear at the June 13, 2012 order to show cause hearing. Furthermore, as of today, June 13, 2012, Plaintiffs have still not filed an opposition to Defendant's motion to dismiss. Accordingly, this case is DISMISSED with prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: June 13, 2012

LUCY H. KOH
United States District Judge