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\*E-FILED: November 9, 2012\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAFAEL ORTIZ,  
Plaintiff,

No. C12-01131 HRL

v.


**ORDER TO SHOW CAUSE RE:  
FAILURE TO PROSECUTE AND  
ORDER VACATING INITIAL CASE  
MANAGEMENT CONFERENCE**

BANK OF AMERICA HOME LOAN  
RETENTION DIV.; ET AL.,  
Defendants.

Plaintiff filed this action on March 6, 2012 and the docket gives no indication that Plaintiff has served the summons and complaint on Defendants. And, Defendants have yet to appear in this action. The deadline for issuing service on Defendants was July 5, 2012. Fed. R. Civ. P. 4(m). Accordingly, Plaintiff is now ORDERED to appear on **December 18, 2012 at 10:00 a.m.** in Courtroom 2, Fifth Floor, United States District Court, 280 S. First Street, San Jose, California, 95113 to show cause why this case should not be dismissed for failure to prosecute. If Plaintiff fails to file proof of service of the Summons and Complaint by that time or show good cause for his failure to do so, the case will be dismissed. In light of the fact that Defendants have not yet been served, the Initial Case Management Conference, currently set for **November 13, 2012**, is vacated. It will be rescheduled as necessary.

**IT IS SO ORDERED.**

Dated: November 9, 2012

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

United States District Court  
For the Northern District of California

1 **C 12-01131 HRL Notice will be mailed to:**

2 Rafael Ortiz  
3 20240 Spence Road  
4 Salinas, CA 93905

5 **Counsel are responsible for distributing copies of this document to co-counsel who have not**  
6 **registered for e-filing under the court's CM/ECF program.**

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