UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ARMANDO SUAREZ, Plaintiff, v. COUNTRYWIDE BANK, N.A., et al., Defendants.	Case No.: 12-CV-01319-LHK ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

Plaintiff Armando Suarez ("Plaintiff") filed his complaint in this Court on March 16, 2012, alleging ten claims. ECF No. 1. On June 14, 2012, Plaintiff filed his declination to proceed before a Magistrate Judge, ECF No. 7, and the case was assigned to the undersigned judge on June 15, 2012. ECF No. 10. On July 30, 2012, Defendants Countrywide Bank, N.A. ("Countrywide"), Recontrust Company, N.A. ("Recontrust"), and Bank of America, N.A. ("Bank of America") filed a motion to dismiss all ten of Plaintiff's claims, pursuant to Federal Rule of Civil Procedure 12(b)(6).[1] *See* ECF No. 12. Pursuant to Civil Local Rule 7-3(a), Plaintiff's opposition to the motion to dismiss was due on August 13, 2012. Plaintiff never filed an opposition or statement of nonopposition to Defendants' motion to dismiss.

[1]Defendants Regina D. Myles and Diane Bolton filed a joinder in the motion to dismiss on August 14, 2012. ECF No. 17. Defendant The Bank of New York Mellon filed a joinder in the motion to dismiss on August 16, 2012. ECF No. 19.

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 to dismiss. Plaintiff has until October 24, 2012 to file a response to this Order to Show Cause. The November 1, 2012 case management conference and hearing on Defendants' motion to dismiss are vacated. Instead, a hearing on this Order to Show Cause is set for **Thursday, November 1, 2012 at 1:30 P.M.** Plaintiff's failure to respond to this Order and to appear at the November 1, 2012 hearing will result in dismissal of this case with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: October 9, 2012

LUCY H. KOH
United States District Judge