

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ERIC OLSON and ANNA OLSON,	)	Case No.: 12-CV-03677-LHK
	)	
Plaintiffs,	)	
v.	)	
	)	ORDER ADOPTING REPORT AND
CARNEGIE MORTGAGE, LLC; MORTGAGE	)	RECOMMENDATION AND
ELECTRONIC REGISTRATION SYSTEMS,	)	DISMISSING CASE WITHOUT
INC. (“MERS”); WELLS FARGO BANK, N.A.;	)	PREJUDICE
and All Persons Claiming By, Through or Under	)	
Such Person, All Persons Unknown, Claiming	)	
Any Legal Or Equitable Title, Estate, Lien Or	)	
Interest In The Property Described In The	)	
Complaint Adverse To Plaintiffs Title Thereto;	)	
and DOES 1 to 20, Inclusive,	)	
	)	
Defendants.	)	

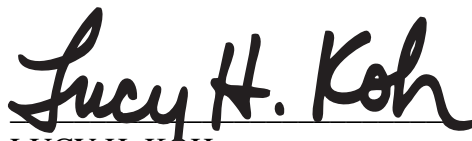
Plaintiffs filed this action in state court on June 11, 2012. Defendants removed this action to federal court on July 13, 2012, where it was assigned to Magistrate Judge Paul Grewal. ECF No. 1. Defendants Carnegie Mortgage, LLC, MERS, and Wells Fargo Bank, N.A. then filed motions to dismiss. ECF Nos. 6, 10. Because Plaintiffs have not consented to proceed before a magistrate judge, the case was reassigned to the undersigned judge on August 22, 2012. ECF No. 28. Judge Grewal has issued a Report and Recommendation that the District Judge dismiss Plaintiffs’ complaint for failure to prosecute. *See* Report and Recommendation re Defendants’ Motion to Dismiss (“Report and Recommendation”), August 22, 2012, ECF No. 27. The Report and Recommendation was filed and served on August, 2012. *Id.* No party has objected to the

1 Report and Recommendation, and the time for filing objections has expired. *See* Fed. R. Civ. P.  
2 72(b)(2).

3 In recommending dismissal for failure to prosecute, Judge Grewal noted two key facts:  
4 Plaintiffs did not appear at the August 21, 2012 case management conference, and Plaintiffs have  
5 not opposed Defendants' two motions to dismiss. *Id.* Having reviewed the Report and  
6 Recommendation, as well as the record in this case, the Court finds that the Report and  
7 Recommendation is well-founded in fact and in law and, therefore, adopts the Report and  
8 Recommendation. This case is hereby dismissed without prejudice. The Clerk shall close the file.

9 IT IS SO ORDERED.

10 Dated: October 15, 2012

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12 LUCY H. KOH  
13 United States District Judge  
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