

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPH PHAM,

Plaintiff,

v.

NCB MANAGEMENT SERVICES,  
INC., et al.,

Defendants.

Case No. C-12-04140 RMW

**ORDER DISMISSNG CASE**

On August 7, 2012, plaintiff Joseph Pham filed this action alleging credit reporting and debt collection violations, but he has failed to prosecute the case. First, Pham failed to appear at the initial case management conference on October 23, 2012. Then he failed to appear at a hearing on November 13, 2012, as ordered by Magistrate Judge Lloyd to show cause why the case should not be dismissed for failure to prosecute. After the second failure to appear, Judge Lloyd issued a report and recommendation that the case be dismissed for failure to prosecute. *See* Dkt. No. 7.

On November 19, 2012, this court issued an order to show cause why the case should not be dismissed for failure to prosecute. Dkt. No. 13. The court ordered Pham to file proof of

1 service of the summons on defendant and a declaration explaining why he had failed to appear.  
2 Pham had until December 20, 2012 to respond. He has not.

3 Therefore, as the court stated it would do in its prior order, it orders that the case  
4 dismissed without prejudice for failure to prosecute.

5  
6  
7 Dated: December 21, 2012

  
Ronald M. Whyte  
United States District Court Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28