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E-FILED: December 4, 2012

NOT FOR CITATION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

DAVID WYNN MILLER; LOURDES O.
TANJOCO,

Plaintiffs,

v.

MORTGAGE INVESTORS GROUP;
CHARLES E. TONKIN, III,

Defendants.

No. C12-04764 HRL

**ORDER THAT CASE BE REASSIGNED
TO A DISTRICT JUDGE**

**REPORT AND RECOMMENDATION RE
DISMISSAL WITHOUT PREJUDICE**

This matter was set for a November 13, 2012 initial case management conference.

Plaintiffs failed to appear. This court issued an order directing them to appear on December 4, 2012 and show cause why this case should not be dismissed for their apparent inattention to it. Plaintiffs did not appear for the show cause hearing, and they have not otherwise responded to the show cause order.

Accordingly, the Clerk of the Court shall reassign this case to a District Judge, and the undersigned recommends that the instant action be dismissed without prejudice for failure to prosecute. FED. R. CIV. P. 41(b).

Any party may file objections to this report and recommendation with the District Judge

United States District Court
For the Northern District of California

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within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P.
72(b).

SO ORDERED.

Dated: December 4, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
For the Northern District of California

1 5:12-cv-04764-HRL Notice sent by U.S. mail to:

2 David Wynn Miller
3 5166 North 63rd Street
4 Milwaukee, WI 53218

5 Lourdes O. Tanjoco
6 3064 San Andreas Drive
7 Union City, CA 94587

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