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E-Filed: January 21, 2014

NOT FOR CITATION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

JOSE VILLALOBOS MUNOZ,
Plaintiff,
v.
ZORBA GROUP, INC., ET AL.,
Defendants.

No. C13-01779 HRL

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**


On November 5, 2013, this Court held a hearing on plaintiff’s counsel’s motion to withdraw as attorney of record. Counsel alleged that plaintiff missed several scheduled meetings and refused to return his phone calls. Plaintiff did not file an opposition to the motion nor appear at the hearing. The Court granted the motion and ordered plaintiff to appear at a Status Conference on December 10, 2013. Plaintiff was cautioned that failure to appear at the Status Conference could lead to dismissal for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Nevertheless, plaintiff did not appear.

The Court then ordered Plaintiff to appear on January 7, 2014, to show cause, if any, why this case should not be dismissed. The Order was mailed to both Plaintiff and Plaintiff’s former counsel. Plaintiff was ordered to file a Statement in response to the Order to Show Cause no later than December 31, 2013. Plaintiff was again warned that failure to appear at the hearing would serve as further grounds for dismissing the case. Plaintiff did not respond to the Order to Show Cause and did not appear at the hearing. Accordingly, the case is dismissed for failure to prosecute pursuant to Rule 41(b).

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IT IS SO ORDERED.

Dated: January 21, 2014



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **C13-01779 HRL Order will be mailed to:**

2 Thomas Margain
3 Huy Tran
4 84 W. Santa Clara St., Ste. 790
5 San Jose, CA 95113

6 Jose Villalobos Munoz
7 399 Smalley Avenue
8 Hayward, CA 94541

9 Matthew Angell
10 1700 N. Broadway, Ste. 310
11 Walnut Creek, CA 94596

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