

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**

IN RE JOHN HOANG,
Debtor.

Case No. 14-cv-02354-BLF

IN RE JOHN HOANG,
Debtor.

Case No. 14-cv-02380-BLF

ORDER DISMISSING ACTIONS

On September 18, 2015, the Court issued an Order to Show Cause in each of the above-captioned actions directing the parties to show cause, in writing and on or before October 16, 2015, why the actions should not be closed. *See* Order to Show Cause, ECF 3 in Case No. 14-cv-02354-BLF; Order to Show Cause, ECF 4 in Case No. 14-cv-02380-BLF. In the Order to Show Cause, the Court noted that both of the above-captioned actions were opened when defendants (“Moving Parties”) in an adversary proceeding then-pending in the Bankruptcy Court moved to withdraw the reference of the adversary proceeding. *See id.* While Moving Parties’ motions to withdraw the reference were pending before this Court, the Bankruptcy Court dismissed the adversary complaint for failure to state a claim upon which relief could be granted and dismissed the adversary proceeding in its entirety. *See id.* In light of the Bankruptcy Court’s dismissal of

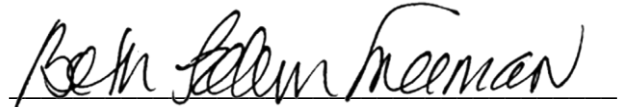
1 the underlying adversary proceeding and Moving Parties' failure to prosecute their motions to
2 withdraw the reference, the Court terminated the motions to withdraw the reference and issued the
3 Order to Show Cause referenced above. No party has responded to the Order to Show Cause and
4 the deadline for response has passed.

5 Accordingly, the above-captioned actions are hereby DISMISSED. The actions have been
6 mooted by the Bankruptcy Court's dismissal of the underlying adversary proceeding. Moreover,
7 Moving Parties have failed to prosecute the actions and have failed to comply with this Court's
8 Order to Show Cause. *See* Fed. R. Civ. P. 41(b) (permitting dismissal for failure to comply with a
9 court order).

10 **IT IS SO ORDERED.**

11

12 Dated: October 26, 2015



BETH LABSON FREEMAN
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28