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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ANTONIO A. JULIO, et al.,  
Plaintiffs,  
v.  
ONEWEST BANK, FSB, et al.,  
Defendants.

Case No. 14-CV-03059-LHK

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE**

Plaintiffs Antonio and Cleopatra Julio (“Plaintiffs”) filed suit on July 3, 2014 in this Court. ECF No. 1. On August 14, 2014, Defendants OneWest Bank, FSB and OneWest Bank N.A. (“Defendants”) filed a motion to dismiss Plaintiffs’ Complaint pursuant to Federal Rule of Civil Procedure 12. ECF No. 4. On January 16, 2015, the Court granted Defendants’ motion and dismissed Plaintiffs’ claims without prejudice, granting Plaintiffs leave to file an amended complaint within 30 days. ECF No. 27.

On February 17, 2015, Plaintiffs filed an amended complaint against Defendants. ECF No. 31. On March 2, 2015, Defendants moved to dismiss Plaintiffs’ amended complaint, arguing that each of Plaintiffs’ causes of action should again be dismissed pursuant to Federal Rule of Civil Procedure 12, this time with prejudice. ECF No. 34. A hearing on Defendants’ motion to dismiss

1 is set for June 25, 2015 at 1:30 p.m. *Id.*

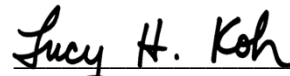
2 Pursuant to Civil Local Rules 7-3(a), Plaintiffs' opposition to Defendants' motion to  
3 dismiss was due on March 16, 2015. As of today, May 26, 2015, Plaintiffs have not filed an  
4 opposition or statement of non-opposition to Defendants' motion to dismiss.

5 The Court hereby ORDERS Plaintiffs to show cause why this case should not be dismissed  
6 with prejudice for failure to prosecute. This Order does not authorize Plaintiffs to file an untimely  
7 opposition to Defendants' motion to dismiss. Plaintiff has until June 5, 2015, to file a written  
8 response not to exceed ten (10) pages in length to this Order to Show Cause. A hearing on this  
9 Order to Show Cause is hereby set for June 11, 2015, at 1:30 p.m.

10 Plaintiffs' failure to respond to this Order and to appear at the hearing on June 11, 2015,  
11 will result in dismissal of this action with prejudice for failure to prosecute.

12 **IT IS SO ORDERED.**

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14 Dated: May 26, 2015



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LUCY H. KOH  
United States District Judge

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