UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MILAGROS BACCA GUERRA,

Plaintiff,

v.

JEH JOHNSON, et al.,

Defendants.

Case No.: 14-CV-04142-LHK

ORDER DISMISSING CASE WITH PREJUDICE FOR FAILURE TO PROSECUTE

On September 15, 2014, plaintiff Milagros Bacca Guerra ("Plaintiff"), with the assistance of counsel, filed a complaint in this Court against defendants Jeh Johnson, Secretary of the Department of Homeland Security, James Comey, Director of the Federal Bureau of Investigation, Leon Rodriguez, Director of the U.S. Citizenship and Immigration Services, and Robin Barrett, San Francisco District Director of the U.S. Citizenship and Immigration Services (collectively, "Defendants"). ECF No. 2. Under Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff was required to serve Defendants with the summons and complaint by January 13, 2015, which is 120 days from the filing of the complaint. Plaintiff has yet to file proof of service.[1]

[1] Plaintiff's counsel, a member of the Utah bar, did file a pro hac vice motion on

Pursuant to Civil Local Rule 16-9(a), the parties were required to file a joint case management statement by January 28, 2015, one week prior to the initial case management conference. The parties failed to do so. On January 30, 2015, the Court ordered the parties to file a joint case management statement by February 3, 2015, at noon. ECF No. 6. The parties again failed to do so. The initial case management conference was held on February 4, 2015, and neither party appeared.

On February 4, 2015, the Court ordered Plaintiff to show cause why this case should not be dismissed with prejudice for failure to prosecute. ECF No. 7. The Court gave Plaintiff until February 9, 2015, to file a written response to the Court's Order to Show Cause and scheduled a hearing on that order for February 11, 2015, at 2:00 p.m. *Id.* at 2. The Order to Show Cause put Plaintiff on notice that his "failure to respond to this Order and to appear at the February 11, 2015 hearing will result in dismissal of this action with prejudice for failure to prosecute." *Id.* Plaintiff subsequently failed to file any response or appear at the hearing on the Order to Show Cause.

Considering that Plaintiff has failed to file proof of service of the complaint and summons, failed to file a case management statement pursuant to the Civil Local Rule, failed to file a case management statement despite the Court's order, failed to appear at the hearing set for the initial case management conference, failed to respond in any way to the Court's Order to Show Cause, and failed to appear at the hearing set for that order, the Court hereby DISMISSES WITH PREJUDICE Plaintiff's case for failure to prosecute.

The Clerk shall close the case file.

IT IS SO ORDERED.

Dated: February 11, 2015

Lucy H. Koh

LUCY H. KOH
United States District Judge

September 15, 2014, ECF No. 1, which the Court granted the following day, ECF No. 4.