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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GUADALUPE ARRIZON,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

Case No. 16-CV-00959-LHK

**ORDER GRANTING MOTION TO
DISMISS AND ORDER TO SHOW
CAUSE**

Re: Dkt. No. 8, 18

On April 21, 2016, U.S. Magistrate Judge Nathanael Cousins issued a report and recommendation which recommended that the instant action be dismissed for failure to prosecute. ECF No. 18. Judge Cousins also requested that the instant action be reassigned to the undersigned judge, as Plaintiff had failed to consent to or decline magistrate judge jurisdiction and failed to respond to a motion to dismiss. Plaintiff has not objected to Judge Cousins’s report and recommendation, and the deadline to object has now passed. *See* Fed. R. Civ. P. 72(b)(2) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.”).

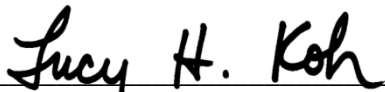
This is not the first time that Plaintiff has failed to respond to a court order. On March 4, 2016, Defendants filed a motion to dismiss. ECF No. 8. On March 15, 2016, Judge Cousins

1 issued an order “directing Plaintiff to consent [to] or decline to magistrate [judge] jurisdiction.”
2 ECF No. 13 at 1. On April 4, 2016, Judge Cousins issued another order directing Plaintiff either
3 to consent to or decline magistrate judge jurisdiction. In addition, Judge Cousins observed that
4 “Plaintiff . . . ha[d] not opposed defendant’s [sic] motion to dismiss the complaint.” ECF No. 16
5 at 1. Judge Cousins warned that “if [Plaintiff] does not file an opposition to the motion to dismiss
6 by April 13, 2016, then this Court will recommend the dismissal of [Plaintiff’s case].” *Id.*
7 Plaintiff has not responded to any of these Orders. Despite Judge Cousins’s March 15, 2016,
8 April 4, 2016, and April 21, 2016 orders, Plaintiff has failed to respond to Defendants’ motion to
9 dismiss and to either consent to or decline magistrate judge jurisdiction.

10 Accordingly, the Court GRANTS Defendants’ unopposed motion to dismiss. In addition,
11 the Court hereby ORDERS Plaintiff to show cause why the instant action should not be dismissed
12 with prejudice for failure to prosecute. Plaintiff has until May 20, 2016 to file a written response,
13 not to exceed five pages in length, to this Order to Show Cause. A hearing on this Order to Show
14 Cause is set for May 26, 2016, at 1:30 p.m. If Plaintiff fails to respond to this Order to Show
15 Cause and fails to appear at the May 26, 2016 Order to Show Cause hearing, the Court will
16 dismiss this case with prejudice for failure to prosecute.

17 **IT IS SO ORDERED.**

18 Dated: May 6, 2016

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LUCY H. KOH
United States District Judge

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