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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 DISMISSING CASE WITH
PREJUDICE FOR FAILURE TO
PROSECUTE**

On January 27, 2016, Plaintiff Guadalupe Arrizon (“Plaintiff”) filed suit against Defendants Wells Fargo Home Bank, N.A.; Clear Recon Corp; and World Savings Bank in Monterey County Superior Court. Defendants removed the action to federal court on February 26, 2016. ECF No. 1.

On March 4, 2016, Defendants moved to dismiss Plaintiff’s complaint. ECF No. 8. On March 15, 2016, U.S. Magistrate Judge Nathanael Cousins, to whom this action was originally assigned, issued an order “directing Plaintiff to consent [to] or decline to magistrate [judge] jurisdiction.” ECF No. 13 at 1. On April 4, 2016, Judge Cousins issued another order requesting Plaintiff either to consent to or decline magistrate judge jurisdiction. In addition, Judge Cousins observed that “Plaintiff . . . ha[d] not opposed defendant’s [sic] motion to dismiss the complaint.” ECF No. 16 at 1. Judge Cousins warned that “if [Plaintiff] does not file an opposition to the

1 motion to dismiss by April 13, 2016, then this Court will recommend the dismissal of [Plaintiff's
2 case]." *Id.* Despite Judge Cousins's March 15, 2016, April 4, 2016, and April 13, 2016 Orders,
3 Plaintiff failed to respond to Defendants' motion to dismiss and to either consent to or decline
4 magistrate judge jurisdiction.

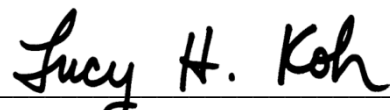
5 Accordingly, on April 21, 2016, Judge Cousins issued a report and recommendation which
6 recommended that the instant action be dismissed for failure to prosecute. ECF No. 18. Judge
7 Cousins also requested that this action be reassigned to the undersigned judge, as Plaintiff had
8 failed to consent to or decline magistrate judge jurisdiction. Plaintiff did not respond to Judge
9 Cousins' report and recommendation.

10 On May 6, 2016, pursuant to Judge Cousins's report and recommendation, the Court
11 granted Defendants' motion to dismiss and ordered Plaintiff to show cause why the instant action
12 should not be dismissed with prejudice for failure to prosecute. ECF No. 22. Specifically, the
13 Court ordered Plaintiff to respond to the Order to Show Cause by May 20, 2016, and to appear at
14 the Order to Show Cause hearing, set for May 26, 2016, at 1:30 p.m. The Court noted that failure
15 to respond to the Order to Show Cause and failure to appear at the May 26, 2016 hearing would
16 result in the instant action being dismissed with prejudice. Plaintiff has not responded to the Order
17 to Show Cause and did not appear at the May 26, 2016 hearing.

18 Considering that Plaintiff has failed to oppose Defendants' Motion to Dismiss, failed to
19 respond to the Court's Order to Show Cause, and failed to appear at the hearing set for that Order,
20 and having weighed the factors set forth in *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir.
21 2002), the Court DISMISSES WITH PREJUDICE Plaintiff's case for failure to prosecute. *See*
22 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules is
23 a proper ground for dismissal."). The Clerk shall close the file.

24 **IT IS SO ORDERED.**

25 Dated: May 26, 2016

26 

27 LUCY H. KOH
United States District Judge