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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

AGUSTIN ZARATE,
Plaintiff,
v.
PLAZA HOME MORTGAGE, INC., et al.,
Defendants.


Case No. [16-cv-04275-BLF](#)

ORDER DISMISSING CASE

Plaintiff filed this action on July 28, 2016, yet the docket does not indicate that he has served any of the Defendants. *See* No. 16-cv-4275. On December 2, 2016, the Court ordered Plaintiff Agustin Zarate to show cause in writing on or before January 3, 2017 why Defendants should not be dismissed from this action for failure to prosecute. Order to Show Cause re Dismissal & Vacating Case Mgmt. Conf. (“OSC”), ECF 9. The Court explained that failure to respond to the OSC in a timely manner would result in dismissal of the case. *Id.* Plaintiff has not responded to the OSC. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) (“The failure of the plaintiff eventually to respond to the court’s ultimatum . . . is properly met with the sanction of a Rule 41(b) dismissal.”).

IT IS SO ORDERED.

Dated: January 4, 2017


BETH LABSON FREEMAN
United States District Judge