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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 PERLITA NEWMAN, and GEORGE
12 NEWMAN,
13 Plaintiffs,
14 v.
15 CALIBER HOME LOANS, INC. et al.,
16 Defendants.

Case No.: 16-CV-2053-JLS (NLS)

**ORDER CONTINUING HEARING
SCHEDULED FOR MARCH 22, 2018**

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18 The Court has scheduled a hearing for want of prosecution pursuant to Local Rule
19 41.1 on March 22, 2018 at 1:30 p.m. Plaintiffs have filed a notice indicating they concur
20 with the Court's decision to dismiss the complaint. (ECF No. 9.) However, Plaintiffs
21 appear to misunderstand the purpose of the hearing.

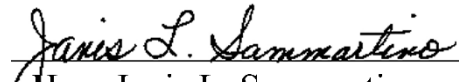
22 Under Local Rule 41.1, "[a]ctions or proceedings which have been pending in this
23 court for more than six months, without any proceeding or discovery having been taken
24 therein during such period, may, after notice, be dismissed by the court for want of
25 prosecution." The Court scheduled a hearing pursuant to this rule because there has been
26 no activity in this case since October 2016. To be clear, the dismissal would be without
27 prejudice and would not be based on the merits of Plaintiffs' case. Plaintiffs would not be
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1 receiving a default against Defendants, as they indicate in their notice. (See ECF No. 9, at
2 2.)

3 The Court **VACATES** the hearing scheduled for March 22, 2018 at 1:30 p.m.
4 However, the Court **RESCHEDULES** the hearing for April 26, 2018 at 1:30 p.m. *If*
5 *Plaintiffs want to request that their case not be dismissed for lack of prosecution, they are*
6 *to file a notice with the Court.*

7 **IT IS SO ORDERED.**

8 Dated: March 19, 2018


9 Hon. Janis L. Sammartino
10 United States District Judge
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