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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BENITO LEO MILLETE and
JUDITH I MILLETE,

Plaintiffs,

v.

CHULA VISTA POLICE
DEPARTMENT; CITY OF
CHULA VISTA; and DOES 1–
100, inclusive,

Defendants.

Case No.: 22-cv-1343-WQH-BJC

ORDER

HAYES, Judge:

On October 22, 2024, the Court issued an Order (the “October 22 Order”) granting Bonita P. Martinez’s request to be relieved as counsel of record for Plaintiffs Benito Leo Millete and Judith I. Millete (collectively, “Plaintiffs”). (ECF No. 39.) The October 22 Order stated:

IT IS FURTHER ORDERED that, no later than twenty-one (21) days from the entry of this Order, Plaintiffs shall file a notice with the Court that indicates: (1) Plaintiffs’ current mailing address; and (2) whether Plaintiffs will be proceeding pro se or obtaining counsel to represent them in this action. Plaintiffs are cautioned that failing to respond to this Order may result in dismissal of this action without prejudice for failure to prosecute and failure to comply with the Court’s Order.

Id. at 4.

1 On November 22, 2024, the Court issued an Order (the “November 22 Order”)
2 observing that “[m]ore than twenty-one (21) days have elapsed since the entry of the
3 October 22 Order, and the docket reflects that Plaintiffs have not filed the required notice.”
4 (ECF No. 42 at 2.) The November 22 Order further stated:

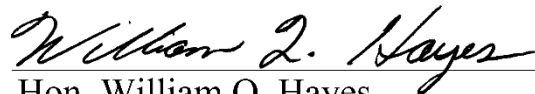
5 Plaintiffs are hereby **ORDERED TO SHOW CAUSE** why this action should
6 not be dismissed without prejudice for failure to prosecute and failure to
7 comply with the Court’s Order. Plaintiffs must file a response to this Order on
8 or before December 20, 2024. Plaintiffs’ response must also include the
9 information the Court ordered Plaintiffs to provide in the October 22 Order.
If Plaintiffs fail to respond to this Order, the Court will dismiss this case
without prejudice.

10 *Id.* The docket reflects that Plaintiffs have not shown cause for their failure to prosecute or
11 comply with the Court’s October 22 Order.

12 IT IS HEREBY ORDERED that this case is dismissed without prejudice. The Clerk
13 of the Court shall close this case.

14 The Clerk of the Court is instructed to mail a copy of this Order to Plaintiffs at their
15 last known address. (*See* ECF No. 40 at 2.)

16 Dated: January 8, 2025

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18 Hon. William Q. Hayes
19 United States District Court
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