

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 13-cv-00024-CMA-BNB

DAVID SUDDUTH,

Plaintiff,

v.

GREENPOINT MORTGAGE FUNDING LLC, and
All persons unknown, claiming any legal or equitable right, title, estate, lien, or
interest in the property described in the Complaint adverse to Plaintiff's title, or
any cloud on Plaintiff's title thereto, and
DOES 1-20, inclusive,

Defendants.

ORDER DISMISSING CASE FOR FAILURE TO SHOW CAUSE

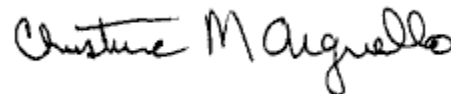
This matter is before the Court pursuant to the Court's May 16, 2013 Order to Show Cause. (Doc. # 8.) On that date the Court ordered Plaintiff to "show cause in writing on or before 05/30/2013 as to why this case should not be dismissed for failure to prosecute." (*Id.*) Plaintiff failed to show cause but, instead, filed a Notice of Stay in which he requested the Court to stay all actions and decisions in this case, retroactive to January 4, 2013 (the date on which he filed this case), pursuant to Colo. R. Civ. P. 62. (Doc. # 9.) The Court deemed that notice insufficient to discharge the show cause order; however, the Court extended the deadline for Plaintiff to show cause until June 10, 2013. (Doc. # 10.) Rather than responding to the show cause order, Plaintiff filed a motion for default and default judgment. (Doc. # 11.) The Clerk's Office reviewed the

motion and determined that default would not enter because, among other infirmities in Plaintiff's motion, "no proof of service has been filed." (Doc. # 13.) Accordingly, the Court finds that, as Plaintiff has not demonstrated proper service, he has failed to comply with the Court's show cause order.

Therefore, it is ORDERED that this case is DISMISSED WITHOUT PREJUDICE for Plaintiff's failure to show cause as to why this case should not be dismissed for failure to prosecute.

DATED: June 14, 2013

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge