

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

Civil Action No. 13-cv-00232-CMA-BNB

DAVID SUDDUTH,

Plaintiff,

v.

RBC MORTGAGE COMPANY, N.A.,

Defendant.

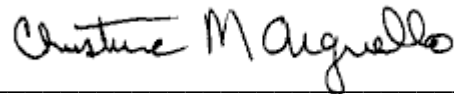
ORDER DISMISSING CASE FOR FAILURE TO SHOW CAUSE

This matter is before the Court pursuant to the Court's June 3, 2013 Order Denying Motion to Stay, which directed Plaintiff to show cause in writing by June 10, 2013, "as to why this case should not be dismissed for failure to prosecute." (Doc. # 8.) In that Order, the Court noted that Plaintiff had failed to comply with Magistrate Judge Boland's February 12, 2013 Order, "which directed Plaintiff 'to file proof of service on defendant on or before May 1, 2013.'" (*Id.* (quoting Doc. # 5).) Thereafter, Plaintiff filed a motion for default and default judgment (Doc. # 9), as well as a purported proof of service (Doc. # 12). The Clerk's Office, however, after reviewing Plaintiff's filings, determined that default would not enter because, as relevant here, no adequate proof of service had been filed. (Doc. # 13.) As such, the Court finds that, because Plaintiff has not demonstrated proper service, he has failed to comply with the court's order to show cause.

Accordingly, 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:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a horizontal line underneath it.

CHRISTINE M. ARGUELLO
United States District Judge