

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ALESSI & KOENIG, LLC,)
4)
5 Plaintiff,) Case No.: 2:15-cv-00808-GMN-PAL
6 vs.)
7) **ORDER**
8 DAVID BYRON, *et al.*,)
9)
10 Defendants.)
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14)

15 Before the Court is the Court’s Order requiring Plaintiff Alessi & Koenig, LLC
16 (“Plaintiff”) to show cause as to why this case should not be dismissed without prejudice
17 against Defendants David and Jennifer Byron. (ECF No. 35). Plaintiff has failed to file a
18 response. For the following reasons, the Motion to Dismiss will be GRANTED, and
19 Plaintiff’s Complaint will be dismissed.

20 **I. BACKGROUND**

21 This lawsuit was originally filed on March 30, 2015, in the Eighth Judicial District
22 Court for the State of Nevada. (*See* Compl., ECF No. 1-1). Defendants removed the case
23 to this Court on April 29, 2015. (Pet. for Removal, ECF No. 1). Plaintiff’s Complaint is
24 an action for interpleader related to foreclosure proceedings.

25 A Notice of Bankruptcy, (ECF No. 31), was filed January 20, 2017, indicating
Plaintiff is in bankruptcy and is now a defunct corporation. On August 8, 2018, Trustee
Shelley D. Krohn (“Trustee”) filed a Status Report, (ECF No. 34), providing that Trustee
and her counsel would not be participating in any matter in which Plaintiff is a party.

On August 21, 2018, the Court ordered that Plaintiff show cause as to why this
case should not be dismissed without prejudice against Defendants David and Jennifer
Byron. (ECF No. 35). Plaintiff had until September 14, 2018, to file a response. (*Id.*).

1 Not only did Plaintiff fail to meet this deadline, but Plaintiff has also failed to file any
2 response at all.

3 **II. DISCUSSION**

4 Based on the Trustee's representations in the Status Report and Plaintiff's failure
5 to respond to the Court's Order to show cause why this action should not be dismissed
6 without prejudice, this Court hereby dismisses Plaintiff's Complaint without prejudice.

7 **III. CONCLUSION**

8 **IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED without**
9 **prejudice.** The Clerk of Court shall enter judgment accordingly.

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11 DATED this 18 day of September, 2018.

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14 Gloria M. Navarro, Chief Judge
15 United States District Judge
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