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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARIYAM AKMAL,

11 Plaintiff,

12 v.

13 WEIDNER INVESTMENT SERVICES, INC,
14 et al.,

15 Defendants.

Case No. C15-171 RSM

ORDER OF DISMISSAL

16 This matter comes before the Court *sua sponte* on the Court's May 24, 2017, Minute
17 Order to Show Cause. Dkt. #14. It appeared to the Court Plaintiff was not prosecuting his case
18 given that summons were issued on September 8, 2015, yet there had been no proof of service
19 or docket activity since that date. *Id.* The Court ordered Plaintiff to show why this case should
20 not be dismissed for failure to prosecute.
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22 On June 13, 2017, Plaintiff responded by stating that he had been unable to get
23 investigative reports from the Department of Housing & Urban Development ("HUD") after
24 requesting such documents on at least three occasions. Dkt. #15. Plaintiff provides no other
25 explanation for his inability to serve Defendants or any other efforts he has taken to prosecute
26 his case.
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ORDER OF DISMISSAL - 1

1 Plaintiff's communications with HUD do not absolve Plaintiff of responsibility to
2 prosecute this action. The Court therefore finds that Plaintiff has failed to prosecute his case.

3 Dismissal would be appropriate under Rule 4(m) for failure to serve Defendants and the
4 Court would typically dismiss this case without prejudice based on that failure. However,
5 because Plaintiff has failed to take any action in this case for over a year, dismissal with
6 prejudice is appropriate. *See* Local Rule 41(b)(1) (“[a] dismissal under this subparagraph will
7 operate as an adjudication on the merits, as provided for in Fed. R. Civ. P. 41(b), unless the
8 court orders otherwise.”) Plaintiff has responded but failed to show good cause for his failure
9 to prosecute. Accordingly, the Court will dismiss the action with prejudice. In so ruling, the
10 Court takes no position on the underlying merits of Plaintiff’s case.
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13 Accordingly, the Court hereby finds and ORDERS that this matter is DISMISSED with
14 prejudice and this case is now CLOSED.

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16 DATED this 22nd day of June, 2017.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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