

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARKET TAMPA
INVESTMENTS, LLC,

Plaintiff,

v.

Case No: 2:21-cv-37-SPC-NPM

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
TRUSTEE FOR NOVASTAR
MORTGAGE FUNDING
TRUST, SERIES 2007-1
NOVASTAR HOME EQUITY
LOAN ASSET-BACKED
CERTIFICATES, SERIES 2007-
1,

Defendant.

ORDER¹

Before the Court is a sua sponte review of the case. On March 1, the Court quashed service and ordered Plaintiff to serve Defendant within thirty days. ([Doc. 30 at 11-12](#)). The Court warned Plaintiff, “Failure to comply will result in the Court dismissing this matter with prejudice.” ([Doc. 30 at 12](#)). When Plaintiff didn’t file a proof of service required by [Local Rule 1.10\(a\)](#), the

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order.

Court ordered Plaintiff to show cause why this action should not be dismissed with prejudice for failure to serve and comply with a Court Order. Again, the Court warned, “The failure to comply with this Order will result in dismissal with prejudice without further notice.” (Doc. 39 at 2) (emphasis omitted). Plaintiff never responded to the Order to Show Cause. Thus, the Court dismisses this action with prejudice for failure to serve and comply with Court Orders.

Additionally, Plaintiff’s failings show a lack of diligent prosecution. And the complete disregard of the Order to Show Cause provides a basis to dismiss for failure to prosecute. [Local Rule 3.10](#) (“A plaintiff’s failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay.”). So the Court dismisses on that ground too.

Accordingly, it is now

ORDERED:

(1) This action is **DISMISSED with prejudice** for failure to serve, failure to prosecute, and failure to comply with Court Orders.

(2) The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and ORDERED in Fort Myers, Florida on April 30, 2021.

Sheri Polster Chappell
SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record