

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMPO TEANG,

Plaintiff,

No. CIV S-11-0024 MCE DAD PS

vs.

GMAC MORTGAGE LLC,

Defendant.

ORDER AND

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

On April 15, 2011, the court ordered plaintiff to show cause why sanctions should not be imposed for her failure to file timely opposition or a statement of non-opposition to defendant's motion to dismiss, and for her failure to appear at the hearing of defendant's motion. Plaintiff has filed and served a timely response to the order to show cause, along with a statement that she does not oppose defendant's motion to dismiss.

The undersigned finds good cause not to impose sanctions upon plaintiff, either for her failure to file timely opposition or non-opposition to defendant's motion, or for her failure to appear at the hearing of the motion. In light of plaintiff's statement of non-opposition, the undersigned will recommend that the district judge grant defendant's motion to dismiss plaintiff's complaint for failure to state any claim upon which relief can be granted.

////

1                   Accordingly, IT IS HEREBY ORDERED that the court's April 15, 2011 order to  
2 show cause (Doc. No. 12) is discharged; and

3                   IT IS RECOMMENDED that:

4                   1. Defendant's unopposed motion to dismiss plaintiff's complaint without leave  
5 to amend (Doc. No. 5) be granted; and

6                   2. This action be dismissed.

7                   These findings and recommendations will be submitted to the United States  
8 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
9 fourteen (14) days after being served with these findings and recommendations, any party may  
10 file written objections with the court. A document containing objections should be titled  
11 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to objections  
12 shall be filed within seven (7) days after service of the objections. The parties are advised that  
13 failure to file objections within the specified time may, under certain circumstances, waive the  
14 right to appeal the District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 DATED: May 25, 2011.

16  
17   
18 \_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

19 DAD:kw  
20 Ddad1\orders.pro se\teang0024.f&r.mtdgr