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

MARIA VICTORIA MENDEZ,

Plaintiff,

No. 2:12-cv-01491 JAM DAD PS

v.

GREENPOINT MORTGAGE
FUNDING INC, et al.,

ORDER

Defendants.

_____ /

Plaintiff, proceeding pro se, commenced this action on June 4, 2012, by paying the required filing fee and filing a complaint. (Doc. No. 1.) The matter has been referred to the undersigned for all purposes encompassed by Local Rule 302(c)(21).

In an order issued October 10, 2012, the undersigned ordered plaintiff to show cause in writing no later than October 24, 2012, as to why sanctions should not be imposed due to her failure to file timely opposition or non-opposition to the motions to dismiss filed by defendants and for failing to appear at the properly noticed hearing of those motions. (Doc. No. 31 at 3.)

Believing that plaintiff had not responded to the Court’s October 10, 2012 order, on October 29, 2012 the undersigned signed findings and recommendations recommending that

1 defendants' motions to dismiss be deemed unopposed and, so deemed, be granted and that
2 plaintiff's claims against all defendants be dismissed with prejudice due to lack of prosecution.
3 (Doc. No. 33.) However, also on October 29, 2012 that same day, the Clerk of the Court
4 docketed a notice of voluntary dismissal filed by plaintiff on October 26, 2012 which was dated
5 October 24, 2012. (Doc. No. 32.)

6 No defendant has filed an answer or a motion for summary judgment. Therefore,
7 plaintiff's voluntary dismissal of this action is proper pursuant to Rule 41(a)(1)(A)(i).

8 Accordingly, IT IS ORDERED that:

- 9 1. The findings and recommendations issued October 30, 2012, (Doc. No. 33) are
10 vacated;
- 11 2. Defendants' motions to dismiss (Doc. Nos. 5, 13, 22, & 26), having been
12 rendered moot by plaintiff's voluntary dismissal, are denied; and
- 13 3. This action is closed.

14 DATED: November 18, 2012.

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18 DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE

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