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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARGARIT HOVHANNISYAN, et al.,  
Plaintiffs,  
v.  
JP MORGAN CHASE BANK, N.A., et al.,  
Defendants.

No. 2:16-cv-1050-MCE-EFB PS

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Defendant JPMorgan Chase Bank N.A. filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6), which was noticed for hearing on October 5, 2016. ECF Nos. 38, 42. Plaintiffs failed to timely file an opposition or statement of non-opposition to the motion. Accordingly, the hearing was continued to November 9, 2016, and plaintiffs were ordered, by no later than October 26, 2016, to file an opposition or statement of non-opposition to the motion and to show cause why sanctions should not be imposed for their failure to timely file an opposition or statement of non-opposition. ECF No. 47. Plaintiffs were also admonished that failure to file an opposition would be deemed a statement of non-opposition to the granting of defendant’s motion, and could result in a recommendation that this action be dismissed for lack of prosecution and/or failure to comply with court orders and the court’s local rules.<sup>1</sup> *Id.*

<sup>1</sup> Although it appears from the docket that plaintiffs’ copy of the order to show cause was returned as undeliverable, plaintiffs were properly served. It is the plaintiffs’ responsibility to

1 The deadline has passed and plaintiffs have not filed an opposition or statement of non-  
2 opposition to the pending motion, nor have they responded to the court's order to show cause.

3 Accordingly, it is hereby ORDERED that the November 9, 2016 hearing on defendant's  
4 motion to dismiss is vacated.

5 Further, it is RECOMMENDED that this action be dismissed for failure to prosecute and  
6 to comply with court orders and the court's local rules. *See* Fed. R. Civ. P. 41(b); Cal. E.D. L.R.  
7 110.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, plaintiff may file written objections  
11 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
12 and Recommendations." Failure to file objections within the specified time may waive the right  
13 to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);  
14 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

15 DATED: October 31, 2016.

16   
17 EDMUND F. BRENNAN  
18 UNITED STATES MAGISTRATE JUDGE

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28 keep the court apprised of their current address at all times. Pursuant to Local Rule 182(f),  
service of documents at the record address of the party is fully effective.