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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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NEIL S. PHILLIPS; YVONNE M.)
PHILLIPS)

No. CV-09-2585-PHX-GMS

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Plaintiffs,)

ORDER

11

vs.)

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FREMONT INVESTMENT & LOAN; *et*)
al.,)

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Defendants.)

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On December 10, 2009 Plaintiffs Neil S. Phillips and Yvonne M. Phillips (“Plaintiffs”) filed a *pro se* Complaint against multiple defendants alleging violations of both federal and state law. (Dkt. # 1.) Shortly thereafter, on January 22, 2010, Defendant Quality Loan Service Corporation (“Quality”) moved to be dismissed from this action pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. # 15.) Quality argues that Plaintiffs’ Complaint fails to explain how Quality is involved in this action and does not identify any facts supporting the claims against Quality. (*Id.* at 1–2.)

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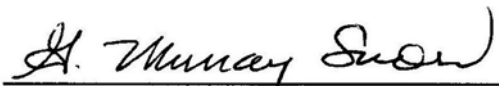
Plaintiffs have failed to file a response to Quality’s Motion. Local Rule 7.2(c) provides that “[t]he opposing party shall . . . have fourteen (14) days after service in a civil or criminal case within which to serve and file a responsive memorandum” to a defendant’s Motion to Dismiss. As of March 1, 2010, Plaintiffs have not filed a timely responsive memoranda to the Motion to Dismiss, nor have they sought extensions of time to do so.

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1 Under the Local Rules, if a party “does not serve and file the required answering memoranda
2 . . . such non-compliance may be deemed a consent to the . . . granting of the motion and the
3 Court may dispose of the motion summarily.” LRCiv. 7.2(i); *see also Ghazali v. Moran*, 46
4 F.3d 52, 53– 54 (9th Cir. 1995) (holding that district court did not abuse its discretion in
5 summarily granting defendants’ motion to dismiss pursuant to local rule where *pro se*
6 plaintiff had time to respond to motion but failed to do so).

7 **IT IS THEREFORE ORDERED** that Plaintiffs shall file and serve a responsive
8 memorandum to Quality’s Motion (Dkt. # 15) **on or before 5:00 p.m. on March 10, 2010.**
9 Should Plaintiffs fail to comply, the Court may deem Plaintiffs’ failure to oppose the Motion
10 as a waiver, and may grant the motion on that basis.

11 DATED this 1st day of March, 2010.

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14 G. Murray Snow
15 United States District Judge
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