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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Rockney Martineau, Plaintiff, vs. JPMorgan Chase Bank, N.A., as successor in interest to EMC Mortgage LLC, formerly known as EMC Mortgage Corporation, Defendant.	No. CV-11-2091-PHX-GMS **ORDER**

Pending before the Court is Defendant's Motion to Dismiss (Doc. 6). The motion was filed on October 31, 2011, along with notices of the motion and certificates of service. LRCiv 7.2(c) states 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." Plaintiff has failed to respond to Defendant's Motion. Under LRCiv 7.2(i), such failure to respond "may be deemed consent to the . . . granting of the motion and the Court may dispose of the motion summarily."

On November 21, 2011, the Court ordered Plaintiff to "file and serve responsive memoranda to Defendant's Motion (Doc. 6) **before 5:00 p.m. on December 5, 2011**." (Doc. 7). The Court also warned Plaintiff that should he fail to comply with the Order, "[t]his could result in the dismissal of [his] claim." (*Id.*).

To date, Plaintiff has still not responded to Defendant's Motion or requested an

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extension of time to do so. The Court will therefore grant Defendant's Motion to Dismiss pursuant to Local Rule 7.2(I). *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (holding that a district court did not err in summarily granting a defendant's motion to dismiss where the local rule stated that "[t]he failure of the opposing party to [respond] shall constitute a consent to the granting of the motion" and where the pro se plaintiff "was given ample time to respond" but failed to do so); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (upholding a district court's dismissal of a pro se plaintiff's complaint for failure to comply with a court order).

IT IS THEREFORE ORDERED that Defendant's **Motion to Dismiss** (Doc. 6) is **GRANTED**.

The Clerk of Court is directed to **terminate** this action.

DATED this 4th day of January, 2012.

G. Murray Snow
United States District Judge