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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Gordon Joksimovich,

) No. CV 12-0809-PHX-FJM

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Plaintiff,

) **ORDER**

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vs.

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Wells Fargo Bank,

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Defendant.

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Before the court is defendant Wells Fargo Bank’s motion to dismiss for failure to state a claim (doc. 4). Plaintiff did not respond to the motion and the time for doing so has long since expired. We also have before us defendant’s motion for summary disposition (doc. 5) based on plaintiff’s failure to respond.

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Plaintiff’s failure to respond to the motion to dismiss may be deemed a consent to the granting of the motion and we may dispose of the motion summarily. LRCiv 7.2(i). We agree with defendant that plaintiff has failed to state a cognizable claim for relief.

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Therefore, **IT IS ORDERED GRANTING** defendant’s motion to dismiss (doc. 4), and **GRANTING** defendant’s motion for summary disposition (doc. 5). Because no amendment could cure plaintiff’s defective claim, **IT IS ORDERED** that the clerk shall enter final judgment.

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DATED this 30<sup>th</sup> day of May, 2012.

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*Frederick J. Martone*  
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Frederick J. Martone  
United States District Judge

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