

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:08-cv-07297-FMC-AJWx	Date	January 16, 2009
Title	Maria Cecilia Gutierrez v. NDEx West, LLC et al		

Present: The Honorable	FLORENCE-MARIE COOPER		
Alicia Mamer	Not Reported	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
Not present	Not present

Proceedings: ORDER DISMISSING CASE WITHOUT PREJUDICE (In Chambers)

This matter is before the Court on Defendant Wells Fargo Bank, N.A., doing business as America’s Servicing Company’s Motion to Dismiss Complaint and For More Definite Statement (docket no. 7), filed November 24, 2008, and scheduled for hearing on January 26, 2009. Pursuant to this Court’s Motion Briefing Schedule, “Opposition papers are to be filed and served not later than 21 days before the hearing date.” Standing Order Rule 3(b). Opposition papers were therefore due on January 5, 2009. To date, the Court has not received any Opposition from Plaintiff Maria Cecilia Gutierrez, who is represented by Attorney Mitchell W. Roth of the M.W. Roth P.L.C. law firm.

Pursuant to Local Rule 7-12, “[t]he failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.” Accordingly, the Court finds Plaintiff to have consented to the granting of Defendant’s Motion. The Court hereby GRANTS Defendant’s Motion to Dismiss Complaint without prejudice. Plaintiff is given thirty (30) days to file an amended complaint, if any. Failure to timely file an amended complaint will result in dismissal of the action with prejudice.

_____: N/A

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