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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-4176 AHM (AGR _x)	Date	February 10, 2010
Title	CLAUDIA PALACIOS v. FEDERAL DEPOSIT INSURANCE CORPORATION, <i>et al.</i>		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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S. Eagle

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

On June 11, 2009, Plaintiff Claudia Palacios filed a Complaint, asserting fifteen causes of action against the Federal Deposit Insurance Corporation (“FDIC”), as receiver for Washington Mutual Bank, and JP Morgan Chase Bank (“JP Morgan”), which is allegedly the assignee of the assets and liabilities of Washington Mutual Bank (“WAMU”).

On July 7, 2009, JP Morgan filed a motion to dismiss the Complaint for failure to state a claim. Plaintiff did not file an opposition, and on July 30, 2009, the Court granted JP Morgan’s motion, but with leave to amend.

On August 12, 2009, Plaintiff filed her First Amended Complaint (“FAC”), which JP Morgan moved to dismiss on November 23, 2009. By then it had been brought to the Court’s attention that Plaintiff’s attorney of record had been arrested and voluntarily resigned his membership in the California Bar Association; in light of this, the Court sent notice of the hearing to Plaintiff at her last known address. Plaintiff again failed to oppose the motion or to appear for the hearing, and on December 21, 2009 the Court granted JP Morgan’s Motion to Dismiss with prejudice.

On December 9, 2009, the FDIC—by then the only remaining Defendant in the action—moved to dismiss the Complaint for lack of subject matter jurisdiction. Pursuant to this Court’s Order, the FDIC served notice of the hearing to Plaintiff at her last known address. Plaintiff did not file an opposition or appear at the hearing, and on January 25, 2010, the Court granted the FDIC’s motion.

In its January 25, 2010 Order, the Court ordered Plaintiff to show cause in writing

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by not later than February 8, 2010 why this case should not be dismissed for lack of prosecution, and noted that “[f]ailure to do so will be construed as consent to dismissal of the action in its entirety.” Plaintiff has not responded to the Court’s order to show cause or taken any further action in this case. Accordingly, pursuant to the Court’s Order dated January 25, 2010, the Court DISMISSES this action in its entirety.

This Order is not intended for publication or for inclusion in the databases of Westlaw or LEXIS.

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