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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 09-7417 PSG (FFMx) Date January 4, 2010

Title Kam Yuen v. Bank of America *et al.*

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy K. Hernandez
Deputy Clerk

Not Present
Court Reporter

n/a
Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings: (In Chambers) Order Granting Defendant Aurora's and Defendant MERS's Motion to Dismiss Plaintiff's Complaint

Pending before the Court is Defendant Aurora Loan Services, LLC's and Defendant Mortgage Electronic Registration Systems, Inc.'s motion to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(6). The Court finds the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. After considering the moving papers, the Court GRANTS Defendants' Motion.

On October 13, 2009, Plaintiff Kam Yuen ("Plaintiff") brought this suit *in propria persona* against a number of banks, mortgage servicing companies, and trustee companies, including Defendants Aurora Loan Services, LLC ("Aurora") and Mortgage Electronic Registration Systems, Inc. ("MERS"). The complaint asserts claims for, *inter alia*, violations of the federal Truth in Lending Act, the Real Estate Settlement Procedures Act, the Fair Debt Collection Practices Act, and the Fair Credit Reporting Act.

On November 17, 2009, Defendants Aurora and MERS brought a motion to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(6) ("Motion"), seeking to have all claims against Aurora and MERS dismissed with prejudice. Under Local Rule 7-9, Plaintiff was required to file and serve an opposition to the Motion by December 28, 2009. Plaintiff did not file an opposition by that date. Pursuant to Local Rule 7-12, the Court deems Plaintiff's failure to file a timely opposition to be consent to the granting of the Motion. *See* L.R. 7-12. Accordingly, the Court grants the Motion.

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Based on the foregoing, this Court:

1. GRANTS Defendant Aurora's and Defendant MERS's Motion to dismiss Plaintiff's complaint, and
2. dismisses with prejudice all claims against Defendants Aurora and MERS.

IT IS SO ORDERED.