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8 **United States District Court**
9 **Central District of California**

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11 DAVID JENKINS and KATHY
12 JENKINS,

13 Plaintiff,

14 v.

15 WELLS FARGO BANK, N.A., *et al.*

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17 Defendants.
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Case № 2:16-cv-05533-ODW (SKx)

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS [12]**

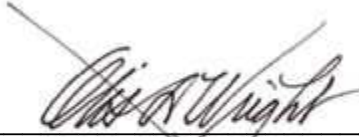
19 On August 1, 2016, Defendant Wells Fargo Bank, N.A. moved to dismiss
20 Plaintiffs David and Kathy Jenkins' Complaint. (ECF No. 12.)¹ Defendant set the
21 motion for hearing on August 29, 2016, and thus Plaintiffs' opposition was due no
22 later than August 8, 2016. *See* C.D. Cal. L.R. 7-9. To date, Plaintiffs have not filed
23 any opposition. The failure to file a timely opposition may be deemed consent to the
24 granting of a motion. C.D. Cal. L.R. 7-12; *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir.
25 1995). Thus, the Court **GRANTS** Defendant's Motion with leave to amend. (ECF
26 No. 12.) Plaintiffs shall file an amended complaint within fourteen days of the date of

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28 ¹ After consider the moving papers, the Court deems the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15.

1 this Order. Failure to timely file an amended complaint will result in the dismissal of
2 this action for lack of prosecution.

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4 **IT IS SO ORDERED.**

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6 August 15, 2016

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10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**

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