

1 On October 21, 2016, Plaintiff Elva Tobon filed this case in the Superior Court
2 of California for the County of Ventura seeking to stop the foreclosure of her home.
3 (ECF No. 1.) Defendant Nationstar Mortgage LLC removed the case to federal court
4 on December 2, 2016. (*Id.*) Plaintiff filed a first amended complaint on February 14,
5 2017. (ECF No. 14.) In her first amended complaint, Plaintiff alleged nine causes of
6 action: (1) violation of the Truth in Lending Act; (2) violation of the Real Estate
7 Settlement Procedures Act; (3) breach of fiduciary duty; (4) fraud; (5)
8 unconscionability; (6) breach of the implied covenant of good faith and fair dealing;
9 (7) unfair and deceptive practices and acts; (8) predatory lending; and (9) declaratory
10 relief. (FAC ¶¶ 40–89.) On February 28, 2017, Defendant filed a Federal Rule of
11 Civil Procedure 12(b)(6) motion to dismiss. (ECF No. 15.) On April 4, 2017, the
12 Court granted Defendant’s motion in its entirety. (Order 14, ECF No. 21.) The Court
13 gave Plaintiff forty-five days to file a second amended complaint. (*Id.*) Plaintiff did
14 not file a second amended complaint during that forty-five-day period. Accordingly,
15 the Court **DISMISSES** this case *with prejudice*. The Clerk of Court shall close the
16 case.

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18 **JUDGMENT**

19 It is therefore **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

- 20 1. Plaintiff shall recover nothing from Defendant, and her claims against
21 Defendant are dismissed on the merits and with prejudice;
22 2. Defendant shall recover costs from Plaintiff as evidenced by a bill of costs.

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24 **IT IS SO ORDERED.**

25 June 13, 2017

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OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE