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United States District Court
Central District of California

LAURA E. LANDRY,
Plaintiff,
v.
SELECT PORTFOLIO SERVICING,
INC.; U.S. BANK, N.A.; ALL PERSONS
UNKNOWN CLAIMING ANY LEGAL
OR EQUITABLE RIGHT, TITLE,
ESTATE, LIEN OR INTEREST IN AND
TO THE REAL PROPERTY KNOWN
AS "787-789 ST. LOUIS AVENUE,
LONG BEACH, CA 90804"; and DOES 1
through 10,
Defendants.

Case № 2:17-cv-02894-ODW (GJS)

**ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS AS UNOPPOSED [13]**

Plaintiff Laura E. Landry filed this case on March 21, 2017, asserting several causes of action related to Defendants' purported mishandling of Plaintiff's mortgage. (ECF No. 1-1.) On May 19, 2017, Plaintiff filed her first amended complaint. (ECF No. 11.) Then, on June 2, 2017, Defendants filed a motion to dismiss and served it on Plaintiff the same day. (ECF No. 13.) The motion noticed a hearing for July 10, 2017. (*Id.*)

1 Plaintiff's opposition to the motion to dismiss was due on June 19, 2017. *See*
2 C.D. Cal. L.R. 7-9. However, Plaintiff did not file a timely opposition.

3 Local Rule 7-12 allows the Court to grant motions as unopposed in the event
4 that a timely opposition is not filed. C.D. Cal. L.R. 7-12; *Ghazali v. Moran*, 46 F.3d
5 52, 53 (9th Cir. 1995) (affirming dismissal on the basis of unopposed motion where
6 local rule permitted such a dismissal). In determining whether to grant an unopposed
7 motion courts weigh the following factors: "(1) the public's interest in expeditious
8 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of
9 prejudice to the defendants; (4) the public policy favoring disposition of cases on their
10 merits; and (5) the availability of less drastic sanctions." *Ghazali*, 46 F.3d at 53
11 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). The Ninth
12 Circuit has recognized that the first and fourth factors cut in opposite directions. *See*
13 *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (first factor always
14 weighs in favor of dismissal); *Hernandez v. City of El Monte*, 138 F.3d 393, 401 (9th
15 Cir. 1998) (fourth factor always weighs against dismissal).

16 Here, the second factor also weighs in favor of dismissal. The Court must
17 manage its docket to ensure the efficient provision of justice. Plaintiff had notice of
18 the motion yet failed to file a timely opposition. Further, Plaintiff has not provided
19 any excuse for her failure to timely file an opposition. The Court cannot continue
20 waiting for Plaintiff to take action.

21 As for the fifth factor, where the plaintiff does not oppose dismissal it is
22 "unnecessary for the Court to consider less drastic alternatives." *Rodriguez v.*
23 *Nationstar Mortg. LLC*, No. 2:16-CV-5962-ODW(SK), 2016 WL 4581402, at *1
24 (C.D. Cal. Sept. 1, 2016).

25 Finding that the *Ghazali* factors weigh in favor of granting Defendants' motions
26 to dismiss as unopposed, the Court **GRANTS** Defendants' motion to dismiss **WITH**
27 **PREJUDICE**. As Plaintiff has not shown any intention to participate in this lawsuit,
28 the Court dismisses the complaint as to all Defendants. The scheduled hearings on the

1 motions to dismiss are hereby vacated and taken off calendar. The Clerk of Court
2 shall close the case.

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4 **IT IS SO ORDERED.**

5
6 June 21, 2017

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

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