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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6



17-cv-05963-VAP-GJS

Angel Beltran,

Plaintiff,

v.

NBS Default Services, LLC et al.,

Defendant.

**ORDER GRANTING DEFENDANT’S
MOTION TO DISMISS COMPLAINT
(DOC. NO. 11) AND DENYING
PLAINTIFF’S MOTION TO REMAND
AS MOOT
(DOC. NO. 13)**

United States District Court
Central District of California

On September 1, 2017, defendant Wells Fargo Bank, NA (“Defendant”) filed its Motion to Dismiss pursuant to 12(b)(6) of the Federal Rules of Civil Procedure. (“Motion to Dismiss.”) (Doc. No. 11.)

Pursuant to Local Rule 7-9, Plaintiff Angel Beltran (“Plaintiff”) was required to file his opposition “not later than twenty-one (21) days before the date designated for the hearing of the motion,” on September 11, 2017. See L.R. 7-9. Plaintiff Beltran did not file an opposition to Defendant’s Motion to Dismiss.

On September 8, 2017, Plaintiff filed a Motion to Remand Case to the Los Angeles Superior Court. (Doc. No. 13.) Plaintiff improperly noticed his Motion to Remand to be heard on October 2, 2017. See L.R. 6-1. (“The notice of motion shall be filed with the Clerk not later than twenty-eight (28) days before the date set for hearing . . .”).

The Court finds that Defendant’s Motion to Dismiss and Plaintiff’s Motion to Remand are appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; L.R. 7-15. After having considered the moving papers and the arguments therein, the Court rules as follows.

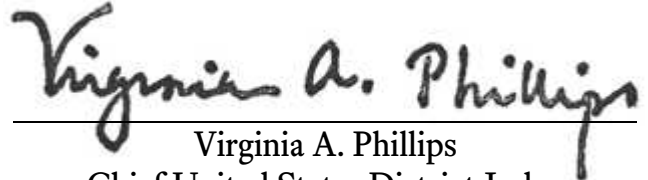
“The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.” L.R. 7-12. As Plaintiff has failed to file an opposition to Defendant’s Motion to Dismiss within the deadline specified by Local Rule 7-9, the Court deems Plaintiffs “consent to the granting . . . of the motion.” *Id.* Accordingly, Defendant’s Motion to Dismiss is GRANTED on the grounds that Plaintiff failed to file a timely opposition as required by Local Rule 7-9. Plaintiff’s Complaint is hereby dismissed WITHOUT PREJUDICE.

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Plaintiff's Motion to Remand is **DENIED AS MOOT.**

IT IS SO ORDERED.

Dated: 9/14/17



Virginia A. Phillips
Chief United States District Judge