

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JOHN TERRY BRYAN,  
Plaintiff,  
  
v.  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
QUALITY LOANS SERVICE CORP.;  
DOES 1–100, inclusive,  
Defendants.

Case No. 5:15-cv-00929-ODW(SP)

**ORDER GRANTING  
DEFENDANTS’ MOTION TO  
DISMISS [8]**

Pending before the Court is Defendant Mortgage Electronic Registration Systems, Inc.’s (“MERS”) Motion to Dismiss. (ECF No. 8.) MERS seeks dismissal of Plaintiff John Terry Bryan’s entire Complaint which was filed in state court on March 27, 2015. (ECF No. 1.) The case was removed to this Court on May 11, 2015. (*Id.*)

Local Rule 7-9 provides that all opposition papers shall be filed with the court and served on each party at least twenty-one days before the date designated for hearing of the motion. C.D. Cal. L.R. 7-9. Local Rule 7-12 provides that the “failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the Motion.” C.D. Cal. L.R. 7-12. Case law is

1 clear that a district court may impose sanctions, including involuntary dismissal of a  
2 plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b), when the plaintiff  
3 fails to prosecute his or her case or fails to comply with the court's orders, the Federal  
4 Rules of Civil Procedure, or the Court's local rules. *See Chambers v. NASCO, Inc.*,  
5 501 U.S. 32, 44 (1991); *Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403  
6 F.3d 683, 689 (9th Cir. 2005); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Trice*  
7 *v. Clark County School Dist.*, 376 Fed. App'x 789, 790 (9th Cir. 2010); *Preciado v.*  
8 *Los Angeles Unified School Dist.*, No. 2:13-cv-4466, 2014 WL 559372, \*3 (C.D. Cal.  
9 Feb. 12, 2014).

10 MERS filed its Motion to Dismiss on May 22, 2015 and set a hearing date for  
11 June 29, 2015. (ECF No. 8.) Thus, Bryan's opposition was due on or before June 8,  
12 2015. However, Bryan failed to file an opposition. The Court therefore holds that  
13 Bryan consents to the granting of MERS's Motion to Dismiss. *See* C.D. Cal. L.R. 7-  
14 12. The Court hereby **GRANTS** MERS's Motion to Dismiss. (ECF No. 8.) The  
15 Clerk of the Court shall close this case.

16 **IT IS SO ORDERED.**

17  
18 June 23, 2015

19  
20 

21 **OTIS D. WRIGHT, II**  
22 **UNITED STATES DISTRICT JUDGE**