

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 09-0872 AG	Date	November 16, 2009
Title	EL VEASTA LAMPLEY v. AMERICAN SERVICING COMPANY		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: ORDER GRANTING DEFENDANT’S MOTION TO DISMISS

Defendant Wells Fargo Bank (“Defendant”) has filed a Motion to Dismiss (“Motion”). The Bankruptcy Court previously granted Defendant’s earlier motion to dismiss the Second Amended Complaint of Plaintiff El Veasta Lampley (“Plaintiff”). The Bankruptcy Court ordered Plaintiff to file a third amended complaint thirty days from receipt of notice that the adversary action was received by the District Court. On August 7, 2009, this Court notified the parties that it received the adversary action from the Bankruptcy Court. Thus, Plaintiff’s third amended complaint was due to be filed by September 6, 2009. To this date, Plaintiff has not filed a third amended complaint. Further, Plaintiff has not opposed this Motion. Accordingly, the Court GRANTS the Motion without leave to amend. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) . . . operates as an adjudication on the merits.”).

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**Initials of
Preparer**

lmb