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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SACV 13-00514-CJC(ANx)

Date: April 23, 2013

Title: SERAPIO LUMAUIG, ET AL. v. BANK OF NEW YORK MELLON, ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE

On April 1, 2013, plaintiffs Serapio Lumauig and Consolacion Lumauig (together, “Plaintiffs”) filed this action against defendant The Bank of New York Mellon as Trustee, etc., et al., asserting several causes of action related to the property at 12686 Lanakila Lane, Garden Grove, CA 92841. After reviewing the Complaint, the Court was concerned that Plaintiffs failed to state a claim upon which relief could be granted. Specifically, the Court was concerned that Plaintiffs’ claims were based on theories that had been consistently rejected by other courts or were not pleaded with the requisite specificity. Accordingly, on April 8, 2013, the Court issued an order to show cause why the case should not be dismissed for failure to state a claim. (Dkt. No. 4.) Plaintiffs were required to file an opposition to the Court’s Order by April 22, 2013, yet failed to respond. Accordingly, the Court **DISMISSES** Plaintiffs’ action for their failure to prosecute and comply with the Court’s April 8, 2013 Order.

mtg

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