

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

FREDERICK R. LIPSCOMB and ) 1:11-CV-497 AWI JLT  
ROILYNEE M. LIPSCOMB, )  
Plaintiffs, )  
v. ) ORDER CLOSING CASE  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEM, INC., et al., )  
Defendants. )

On August 3, 2011, after identifying numerous deficiencies in the complaint, the Court granted Defendants' motion to dismiss and dismissed the entirety of the active complaint.

See Court's Docket Doc. No. 15. The Court granted Plaintiffs leave to file an amended complaint within ten (10) days of service of the order. See id. The Court warned Plaintiffs that the failure to timely file an amended complaint would result in the Court closing the case without further notice. See id. Despite this warning, as of the date of this order, Plaintiffs have yet to file an amended complaint.

The Court takes Plaintiffs' failure to comply with the August 3 order, and the failure to heed the warning regarding termination of the case, as Plaintiffs' decision to discontinue prosecution of this matter. The Plaintiffs' failure to file an amended complaint prevents this case from proceeding because the operative complaint contains no viable claims against any defendant, and the time to file an amended complaint has now passed. Therefore, it is appropriate to close this case.

Accordingly, IT IS HEREBY ORDERED that, due to Plaintiffs' failure to file an amended complaint as previously instructed, leave to amend as previously granted in the August 3, 2011 order on Defendants' motion to dismiss is WITHDRAWN, and the Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: August 18, 2011

  
A. John Blawie