

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VARGHA ESHRAGHI,

No. 1:17-cv-01036-DAD-SKO

Plaintiff,

V.

WELLS FARGO BANK, N.A., et al.,

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS**

(Doc. No. 5)

This matter came before the court on defendant Wells Fargo Bank’s motion to dismiss plaintiff’s complaint. (Doc. No. 5.) The complaint in this action was filed on May 5, 2017. After removing this action to federal court on August 2, 2017 (Doc. No. 1), defendant filed the instant motion to dismiss on August 9, 2017. (Doc. No. 5.) Plaintiff has not filed an opposition to that motion. A hearing on the motion was held on October 3, 2017. Plaintiff made no appearance at that hearing.¹ Attorney David Michael Newman appeared on behalf of defendant. In light of plaintiff’s indication that he will not be contesting the present motion, the court grants defendant’s motion to dismiss.

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¹ Rather than appearing at oral argument, plaintiff's counsel instead contacted the undersigned's chambers via telephone and indicated that he would not be opposing defendant's motion to dismiss. In light of plaintiff's indication of non-opposition, the court need not address the merits of defendant's arguments in support of dismissal.

1 Accordingly,

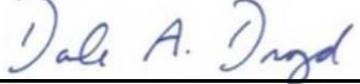
2 1. Defendant's motion to dismiss (Doc. No. 5) is granted;

3 2. Plaintiff's complaint is dismissed with prejudice and without leave to amend; and

4 3. The Clerk of the Court is directed to close this case.

5 IT IS SO ORDERED.

6 Dated: October 5, 2017


7 UNITED STATES DISTRICT JUDGE

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