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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Enrique Ruiz,)	Case No. 2:09-CV-01586 JAM-GGH
)	
Plaintiff,)	
)	ORDER GRANTING DEFENDANT'S
v.)	MOTION TO DISMISS
)	
National City Bank, JPMorgan)	
Chase Bank, NA as successor by)	
merger to Washington Mutual)	
Bank, LENDER DOE 1 and LENDER)	
DOE 2,)	
)	
Defendants.)	
)	
)	
)	

This matter comes before the Court on Defendant JPMorgan Chase Bank's, N.A. an Acquirer of Certain Assets and Liabilities of Washington Mutual Bank from the FDIC acting as Receiver ("Defendant"), Motion to Dismiss (Doc. #53) Plaintiff Enrique Ruiz's ("Plaintiff") Complaint (Doc. #1), pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff does not oppose the Motion to Dismiss.¹

¹ This motion was determined to be suitable for decision without oral argument. E. D. Cal. L. R. 230(g). The hearing was scheduled for September 21, 2011.

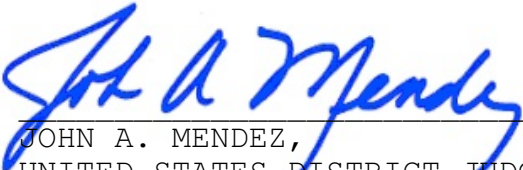
1 Plaintiff did not file an opposition or statement of non-
2 opposition to Defendant's Motion to Dismiss. Local Rule 230(c)
3 requires a party responding to a motion to file either an
4 opposition to the motion or a statement of non-opposition, no less
5 than fourteen (14) days preceding the noticed hearing date. Local
6 Rule 110 authorizes the Court to impose sanctions for "failure of
7 counsel or of a party to comply with these Rules." Therefore, the
8 Court will sanction Plaintiff's counsel, Kimberlee A. Rode, \$150.00
9 unless she shows good cause for her failure to comply with the
10 Local Rules.

11
12 ORDER

13 After carefully considering the papers submitted in this
14 matter, it is hereby ordered that Defendant's Motion to Dismiss is
15 GRANTED, WITH PREJUDICE. It is further ordered that within ten
16 (10) days of this Order Kimberlee A. Rode shall either (1) pay
17 sanctions of \$150.00 to the Clerk of the Court, or (2) submit a
18 statement of good cause explaining her failure to comply with Local
19 Rule 230(c).

20 IT IS SO ORDERED.

21 Dated: September 16, 2011

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23 _____
24 JOHN A. MENDEZ,
25 UNITED STATES DISTRICT JUDGE
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