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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUPE MIRANDA AND
ANGEL MIRANDA,

No. 2:09-cv-02364-MCE-EFB

Plaintiffs,

v.

MEMORANDUM AND ORDER

BANK OF AMERICA FKA
COUNTRYWIDE HOME LOANS;
GREENPOINT MORTGAGE FUNDING,
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
ESTATE HOME LOANS, INC.; AHMED
HERNANDEZ-CERVANTES, MARC
ARIAS-MORALES; and DOES 1-20
inclusive,

Defendants.

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Presently before the Court is a Motion by Defendant
Greenpoint Mortgage Funding to Dismiss¹ Plaintiffs Lupe Miranda
and Angel Miranda's Complaint. Plaintiffs have failed to timely
file Opposition to the Defendant's motion.

¹ Defendant's Motion to Dismiss was originally jointly filed
with co-defendant Marin Conveyancing Corporation ("Marin"). Marin
has since been voluntarily dismissed from the case by Plaintiff
pursuant to Fed. R. Civ. P. 41.

1 Pursuant to Local Rule 78-230(c), opposition to a motion
2 must be filed not less than fourteen (14) days prior to the date
3 of the hearing. The date of the hearing on motion was set for
4 October 22, 2009. Fourteen (14) days prior to the hearing was
5 October 8, 2008. No opposition was filed as required. In light of
6 the fact that no opposition was filed by the Plaintiff,
7 Defendant's Motion to Dismiss² is GRANTED with leave to amend.
8 (The Court notes that Plaintiff has already filed an amended
9 complaint.)

10 IT IS SO ORDERED.

11 Dated: November 3, 2009

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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27 ² Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 78-230(h).