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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN STONE and DIANNE STONE
Plaintiffs,

No. 2:09-cv-02394-MCE-EFB

v.

MEMORANDUM AND ORDER

INDYMAC F.S.B.; MTC FINANCIAL
DBA TRUSTEE CORPS; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; ABSOLUTION LOAN
INC.; KEVIN D. MCGILL; STEVE
PETEE; and DOES 1-20
inclusive,

Defendants.

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Presently before the Court is a Motion by Defendant Deutsche Bank National Trust Company ("Defendant") to Dismiss the First Amended Complaint of Plaintiffs John Stone and Dianne Stone ("Plaintiffs") for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiffs have failed to timely file opposition to Defendant's motion.

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. No opposition was filed as required. In light
4 of the fact that for the second time, no opposition was filed by
5 Plaintiffs to Defendants' Motion to Dismiss¹, the motion is
6 GRANTED without leave to amend.

7 IT IS SO ORDERED.

8 Dated: January 15, 2010

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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27 ¹ 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).