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

PATRICK OSEI,

Case No. 2:09-CV-02534-JAM-GGH

Plaintiff,

ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS

v.

GMAC MORTGAGE; COUNTRYWIDE HOME  
LOANS; BANK OF AMERICA fka  
Countrywide Home Loans;  
GREENPOINT MORTGAGE FUNDING,  
INC.; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; ETS  
SERVICES, LLC; PELLETIER  
FINANCE, INC. dba Delta  
Mortgage and Real Estate;  
JEFFERY ALAN PELLETIER; JEFFERY  
PAUL OLSON; JEFFERY BRYAN  
DELORA; and DOES 1-20  
inclusive,  
Defendants.

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This matter comes before the Court on Defendant Greenpoint  
Mortgage Funding, Inc.'s ("Defendant's") Motion to Dismiss,  
(Doc.#26), Plaintiff Patrick Osei's ("Plaintiff") First Amended

1 Complaint for failure to state a claim pursuant to Federal Rule  
2 of Civil Procedure 12(b)(6).<sup>1</sup>

3 Plaintiff did not file a timely opposition or statement of  
4 non-opposition to Defendant's Motion to Dismiss. Local Rule  
5 230(c) requires a party responding to a motion to file either an  
6 opposition to the motion or a statement of non-opposition, no  
7 less than fourteen (14) days preceding the noticed hearing date.  
8 Local Rule 110 authorizes the Court to impose sanctions for  
9 "failure of counsel or of a party to comply with these Rules."  
10 Therefore, the Court will sanction Plaintiff's counsel, Randolph  
11 Cooke, \$250.00, unless he shows good cause for his failure to  
12 comply with the local rules.  
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15 Plaintiff filed a late statement of non-opposition to  
16 dismissing his federal claims, and a late opposition to  
17 dismissing his state claims, the day before Defendant's reply  
18 brief was due. The Court has considered Plaintiff's late filed  
19 opposition and statement of non-opposition, and finds the  
20 amended complaint lacks merit for the reasons stated in the  
21 Motion to Dismiss. It is clear that allowing Plaintiff the  
22 opportunity to file a third complaint would be futile.  
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28 <sup>1</sup> This motion was determined to be suitable for decision without  
oral argument. E.D. Cal. L.R. 230(g).

