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

JOSE CORTEZ,

Case No. 09-cv-3611-JAM-DAD

Plaintiff,

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

v.

BAC HOME LOANS SERVICING, LP, A
SUBSIDEIARY OF BANK OF AMERICA
FKA COUNTRYWIDE HOME LOANS
SERVICING; AMERICA'S WHOLESALE
LENDER; COUNTRYWIDE BANK;
RECONTRUST COMPANYL;
AMERICHOICE, INC; HAMED RASTI,
MASEHE HOTAKI; MORTGAGE
ELECTRONIC REGISTRATION SYSTEM
INC.; and DOES 1-20 inclusive,
Defendants.

_____ /

This matter comes before the Court on Defendants' BAC Home
Loans Servicing, L.P., fka Countrywide Home Loans Servicing
(erroneously sued as "Bank of America"), Countrywide Home Loans,
Inc. dba America's Wholesale Lender (erroneously sued as
"America's Wholesale Lender"), Bank of America, N.A., as

1 successor-in-interest to Countrywide Bank, FSB, and ReconTrust
2 Company, N.A.'s (collectively "Defendants'") Motion to Dismiss
3 (Docket #8) Plaintiff Jose Cortez' ("Plaintiff's") Complaint
4 (Docket #1). Defendants seek dismissal for failure to state a
5 claim, pursuant to Federal Rule of Civil Procedure 12(b)(6).
6 Plaintiff did not oppose the motion.¹ The Court takes judicial
7 notice of the documents requested by Defendants.
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10 Plaintiff did not file an opposition or statement of non-
11 opposition to Defendants' Motion to Dismiss. Local Rule 230(c)
12 requires a party responding to a motion to file either an
13 opposition to the motion or a statement of non-opposition, no
14 less than fourteen (14) days preceding the noticed hearing date.
15 Local Rule 110 authorizes the Court to impose sanctions for
16 "failure of counsel or of a party to comply with these Rules."
17 Therefore, the Court will sanction Plaintiff's counsel,
18 Catherine King, \$250.00 unless she shows good cause for her
19 failure to comply with the Local Rules.
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23 ORDER

24 After carefully considering the papers submitted in this
25 matter, it is hereby ordered that Defendants' Motion to Dismiss
26 is GRANTED, WITH PREJUDICE. It is further ordered that within
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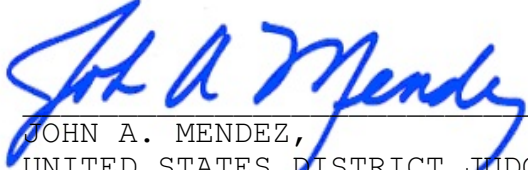
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¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g).

1 ten (10) days of this Order, Catherine King shall either (1) pay
2 sanctions of \$250.00 to the Clerk of the Court, or (2) submit a
3 statement of good cause explaining her failure to comply with
4 Local Rule 230(c).
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7 IT IS SO ORDERED.
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9 Dated: May 5, 2010
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12 JOHN A. MENDEZ,
13 UNITED STATES DISTRICT JUDGE
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