

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 JOSE CORTEZ,

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

12 Plaintiff,

ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS

13 v.  
14

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

21 Defendants.  
22 \_\_\_\_\_/

23 This matter comes before the Court on Defendant Mortgage  
24 Electronic Registration Systems, Inc. ("Defendant's") Motion to  
25 Dismiss (Docket #18) Plaintiff Jose Cortez ("Plaintiff's")  
26 Complaint (Docket #1) for failure to state a claim, pursuant to  
27  
28

1 Federal Rule of Civil Procedure 12(b)(6). Plaintiff did not  
2 oppose the motion.<sup>1</sup>

3 Plaintiff did not file an opposition or statement of non-  
4 opposition to Defendants' Motion to Dismiss. Local Rule 230(c)  
5 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,  
11 Catherine King, \$250.00 unless she shows good cause for her  
12 failure to comply with the Local Rules. Ms. King may submit a  
13 statement of good cause to explain her repeated failure to  
14 comply with the local rules.  
15  
16  
17

18 ORDER

19 After carefully considering the papers submitted in this  
20 matter, it is hereby ordered that Defendant's Motion to Dismiss  
21 is GRANTED, WITH PREJUDICE. It is further ordered that within  
22 ten (10) days of this Order, Catherine King shall either (1) pay  
23 sanctions of \$250.00 to the Clerk of the Court, or (2) submit a  
24  
25  
26  
27

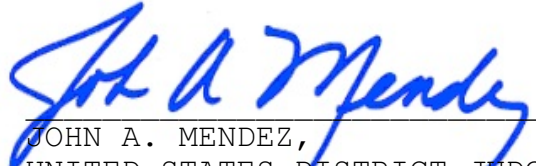
---

28 <sup>1</sup> This motion was determined to be suitable for decision without  
oral argument. E.D. Cal. L.R. 230(g).

1 statement of good cause explaining her failure to comply with  
2 Local Rule 230(c).

3  
4  
5 IT IS SO ORDERED.

6  
7 Dated: June 3, 2010

8   
9 \_\_\_\_\_  
10 JOHN A. MENDEZ,  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28