

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

JOSE CORTEZ,

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

Plaintiff,

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

V.

BAC HOME LOANS SERVICING, LP, A
SUBSIDIARY 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 Defendant Mortgage Electronic Registration Systems, Inc. ("Defendant's") Motion to Dismiss (Docket #18) Plaintiff Jose Cortez ("Plaintiff's") Complaint (Docket #1) for failure to state a claim, pursuant to

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

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 ORDER

17 After carefully considering the papers submitted in this
18 matter, it is hereby ordered that Defendant's Motion to Dismiss
19 is GRANTED, WITH PREJUDICE. It is further ordered that within
20 ten (10) days of this Order, Catherine King shall either (1) pay
21 sanctions of \$250.00 to the Clerk of the Court, or (2) submit a
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28 ¹ This motion was determined to be suitable for decision without
oral argument. E.D. Cal. L.R. 230(g).

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

IT IS SO ORDERED.

Dated: June 3, 2010


JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE