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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARDENER JAMES DOANE,
Plaintiff,

No. 2:10-cv-00947-MCE-KJM

v.

ORDER

FIRST FRANKLIN FINANCIAL
CORPORATION, et al.,
Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiff Gardener James Doane ("Plaintiff") financed his residence in 2007. Presently before the Court is a Motion by Defendants First Franklin Financial Corporation, Home Loan Services, Inc., Mortgage Electronic Registration Systems, Inc., Merrill Lynch and Co., Inc., Merrill Lynch First Franklin Mortgage Loan Trust 2007-2, and First Franklin Mortgage Trust 2007-2 ("Defendants") to Dismiss the claims alleged against them in Plaintiff's Complaint for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. Proc. 12(b)(6).

1 Defendants concurrently move to Strike pursuant to Fed. R. Civ.
2 Proc. 12(f).

3 Plaintiff has filed a Statement of Non-Opposition in which
4 he does not oppose dismissal of his claims and expresses desire
5 to amend his Complaint.

6 Accordingly, in light of Plaintiff's Statement of Non-
7 Opposition, Defendants' Motion to Dismiss (ECF No. 11) is GRANTED
8 with leave to amend. Defendants' Motion to Strike (ECF No. 12)
9 is DENIED as moot.¹

10 Plaintiff may file an amended complaint not later than
11 twenty (20) days after the date this Memorandum and Order is
12 filed electronically. If no amended complaint is filed within
13 said twenty (20)-day period, without further notice, Plaintiff's
14 claims against Defendants will be dismissed without leave to
15 amend.

16 IT IS SO ORDERED.

17 Dated: September 2, 2010

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court deemed this matter suitable for decision without oral
argument. Local Rule 230 (g).