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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GARDENER JAMES DOANE,
12 Plaintiff,

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

13 v.

MEMORANDUM AND ORDER

14 MERRILL LYNCH FIRST FRANKLIN
15 MORTGAGE, et al.,
16 Defendants.
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18 This action arises out of a mortgage loan transaction in
19 which Plaintiff Gardener James Doane ("Plaintiff") purchased and
20 financed a home in 2007. Presently before the Court is a Motion
21 by Defendants First Franklin Financial Corporation, Home Loan
22 Services, Inc., Mortgage Electronic Registration Systems, Inc.,
23 Merrill Lynch and Co., Inc., Merrill Lynch First Franklin
24 Mortgage Loan Trust 2007-2, and First Franklin Mortgage Trust
25 2007-2 ("Defendants") to Dismiss the claims alleged against them
26 in Plaintiff's Complaint for failure to state a claim upon which
27 relief may be granted pursuant to Federal Rule of Civil Procedure
28 12(b)(6). Plaintiff has failed to timely file an opposition.

1 Pursuant to Local Rule 230(c), opposition to a motion must
2 be filed not less than fourteen (14) days prior to the date of
3 the hearing. The date of the hearing on motion was set for
4 January 13, 2011. Fourteen (14) days prior to the hearing was
5 December 31, 2010. Even accounting for the Court holiday, no
6 opposition was filed as required.

7 In light of the fact that no opposition was filed by
8 Plaintiff, Defendants' Motion to Dismiss¹ (ECF No. 18) is GRANTED
9 with leave to amend.

10 As a result of the failure to respond to this Motion, within
11 ten (10) days from the date this Memorandum and Order is
12 electronically filed, Plaintiff's counsel shall either
13 (1) personally pay sanctions in the amount of \$250.00 to the
14 Clerk of the Court², or (2) show good cause for the failure to
15 comply with Local Rule 230(c). Plaintiff may file an amended
16 complaint not later than twenty (20) days after the date this
17 Memorandum and Order is filed electronically.

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26 ¹ Because oral argument will not be of material assistance,
the Court orders this matter submitted on the briefs. E.D. Cal.
27 Local Rule 230(g).

28 ² The Court is authorized to impose sanctions for failure to
comply with the Local Rules. E.D. Cal. Local Rule 110.

1 If no amended complaint is filed within said twenty (20)-day
2 period, without further notice, Plaintiff's claims will be
3 dismissed without leave to amend.

4 IT IS SO ORDERED.

5 Dated: January 13, 2011

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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