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

ALFONSO MIRA AND CARLA MIRA

Plaintiffs,

Case No. 10-972-JAM-KJN

v.

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

AMERICAN HOME MORTGAGE
SERVICING, INC.,

Defendant.

_____ /

This matter is before the Court on Defendant American Home Mortgage Servicing, Inc.'s ("Defendant's") combined Motion to Dismiss and Motion to Strike (Doc. 5) Plaintiffs Alfonso and Carla Mira's ("Plaintiffs'") Complaint (Doc. 1), pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f). Plaintiffs did not oppose the combined Motion to Dismiss/Motion to Strike.¹ The Court takes judicial notice of the documents requested by Defendant. (Doc. 6).

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

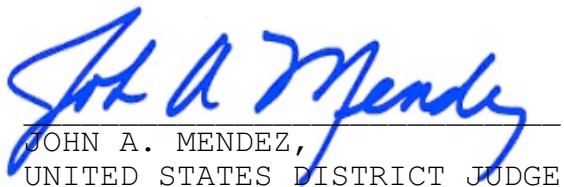
1 Local Rule 230(c) requires a party responding to a motion
2 to file either an opposition to the motion or a statement of
3 non-opposition, no less than fourteen (14) days preceding the
4 noticed hearing date. Local Rule 110 authorizes the Court to
5 impose sanctions for "failure of counsel or of a party to comply
6 with these Rules." Plaintiffs' counsel, Jonathan Adriel Fried,
7 failed to comply with the Local Rules. Accordingly, the Court
8 intends to impose a \$250.00 sanction against Mr. Fried
9 personally unless he is able to show good cause.
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12 ORDER

13 After carefully considering the papers submitted in this
14 matter, it is hereby ordered that Defendant's Motion to Dismiss
15 is GRANTED, WITH PREJUDICE.² It is further ordered that within
16 ten (10) days of this Order Jonathan Adriel Fried shall either
17 (1) pay sanctions of \$250.00 to the Clerk of the Court, or (2)
18 submit a statement of good cause explaining his failure to
19 comply with Local Rule 230(c).
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22 IT IS SO ORDERED.

23 Dated: July 26, 2010

24 
25 JOHN A. MENDEZ,
26 UNITED STATES DISTRICT JUDGE
27

28 ² Because the Court is granting the motion to dismiss with
prejudice, Defendant's alternative Motion to Strike is moot.