

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

10
11 MIKE IBRAHIM,

No. 2:10-cv-01312-MCE-GGH

12 Plaintiff,

13 v.

ORDER

14 SAXON MORTGAGE SERVICES, INC;
15 JP MORGAN CHASE BANK N.A.;
16 PMC BANCORP; IMPAC FUNDING
17 CORPORATION; MORTGAGE ELECTRONIC
18 REGISTRATION SYSTEM INC.; BANK
19 OF AMERICA NATIONAL ASSOCIATION;
20 and DOES 1 through 50 inclusive,

21 Defendants.

22 -----oo0oo-----

23 This action arises out of a mortgage loan transaction
24 entered into by Plaintiff Mike Ibrahim ("Plaintiff"). Presently
25 before the Court is a Motion by Defendants Impac Funding
26 Corporation and Bank of America, N.A. ("Defendants") to Dismiss
27 Plaintiff's Complaint for failure to state a claim upon which
28 relief may be granted pursuant to Federal Rule of Civil Procedure
12(b)(6), or alternatively, a Motion for a More Definite
Statement under Federal Rule of Civil Procedure 12(e). 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 the motion was set for
4 July 8, 2010. Fourteen (14) days prior to the hearing was
5 June 24, 2010. No opposition was filed as required.

6 Failure to file an opposition alone stands as grounds for
7 dismissal. However, in addition to Plaintiff's failure to file
8 an opposition, Plaintiff's Complaint falls woefully short of the
9 notice pleading standard set forth under Rule 12(b)(6) and
10 Rule 8(a)(2). Plaintiff has failed to identify the roles of
11 individual Defendants, and has further failed to provide several
12 key facts regarding his loan, including the date of execution.
13 Without such pertinent information, parties cannot be said to be
14 on notice of the claims against them

15 In light of Plaintiff's failure to file an opposition and
16 failure to meet the notice pleading standard, Defendants' Motion
17 to Dismiss Plaintiff's Complaint (Docket No. 7) is GRANTED with
18 leave to amend.¹

19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///

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).

1 Plaintiff may file an amended complaint not later than
2 twenty (20) days after the date this Memorandum and Order is
3 filed electronically. If no amended complaint is filed within
4 said twenty (20)-day period, without further notice, Plaintiff's
5 claims will be dismissed without leave to amend.

6 IT IS SO ORDERED.

7
8 Dated: July 23, 2010

9
10 

11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28