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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELICITO GARCIA REYES and
CAROLINA LAURENTE REYES,

NO. CIV. S-10-1652 LKK/JFM

Plaintiffs,

v.

O R D E R

GMAC MORTGAGE, LLC as
servicer for DEUTSCHE BANK
NATIONAL TRUST COMPANY AS
TRUSTEE FOR HARBORVIEW
2005-11 and DOES 1-10,

Defendants.

_____ /

Plaintiffs in this case bring claims arising out of their mortgage. Defendant GMAC Mortgage, LLC filed a motion to dismiss the complaint, which was originally noticed for November 9, 2010. Plaintiff failed to file an opposition or statement of non-opposition to the complaint. Accordingly, on October 29, 2010, the court issued an order to show cause to plaintiffs as to why sanctions should not issue for their failure to respond to the motion, including a fine of \$150 and/or dismissal of the case. The

1 court continued the hearing on the motion to dismiss until November
2 22, 2010. The court ordered plaintiffs to file a response to the
3 order to show cause and to file an opposition or statement of non-
4 opposition to the motion no later than November 8, 2010. Plaintiffs
5 have failed to respond to the order to show cause or to file an
6 opposition or statement of non-opposition to the motion.

7 For the foregoing reasons, the court ORDERS as follows:

8 (1) Counsel for plaintiffs is SANCTIONED in the amount of
9 one hundred and fifty (\$150.00) dollars. This sum shall
10 be paid to the Clerk of the Court no later than thirty
11 (30) days from the date of this order. Counsel shall
12 file an affidavit accompanying the payment of this
13 sanction which states that it is paid personally by
14 counsel, out of personal funds, and is not and will not
15 be billed, directly or indirectly, to the client or in
16 any way made the responsibility of the client as
17 attorneys' fees or costs.

18 (2) This case is dismissed as a sanction pursuant to Fed. R.
19 Civ. P. 41(b). The Clerk of Court is instructed enter
20 judgment for defendants and close this case.

21 (3) Counsel for plaintiffs is hereby ORDERED TO SHOW CAUSE
22 in writing why sanctions for failure to respond to the
23 October 29, 2010 order to show cause and to file an
24 opposition or statement of non-opposition to the motion
25 to dismiss in the form of a fine of \$1,000 should not
26 issue in accordance with Local Rule 110. Counsel shall

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file a response to this order to show cause no later
than November 22, 2010.

IT IS SO ORDERED.

DATED: November 12, 2010.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT