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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FELIPE T. LAPASTORA,
Plaintiff,

No. 2:10-cv-01919-MCE-KJM

v.

MEMORANDUM AND ORDER

SIERRA PACIFIC MORTGAGE
COMPANY, INC., et al.,
Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiff Felipe T. Lapastora ("Plaintiff") financed a loan to purchase a home in 2006. Presently before the Court is a Motion by Defendant Central Mortgage Company, Inc. ("Defendant") 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 Federal Rule of Civil Procedure 12(b)(6). Plaintiff has failed to timely file an opposition.

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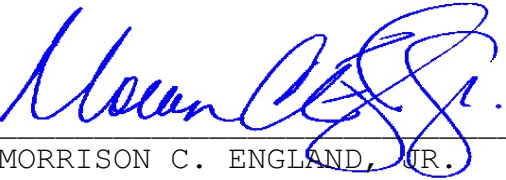
1 Pursuant to Local Rule 230(c), opposition to a motion must
2 be filed not less than fourteen (14) days prior to the date of
3 the hearing. The date of the hearing on the motion was set for
4 September 16, 2010. Fourteen (14) days prior to the hearing was
5 September 2, 2010. No opposition was filed as required.

6 In light of the fact that no opposition was filed by
7 Plaintiff, Defendant's Motion to Dismiss¹ (ECF No. 5) is GRANTED
8 with leave to amend.

9 As a result of the failure to respond to this Motion, within
10 ten (10) days from the date this order is electronically filed,
11 Plaintiff's counsel shall either (1) personally pay sanctions in
12 the amount of \$250.00 to the Clerk of the Court², or (2) show
13 good cause for the failure to comply with Local Rule 230(c).
14 Plaintiff may file an amended complaint not later than twenty
15 (20) days after the date this Memorandum and Order is filed
16 electronically. If no amended complaint is filed within said
17 twenty (20)-day period, without further notice, Plaintiff's
18 claims will be dismissed without leave to amend.

19 IT IS SO ORDERED.

20 Dated: September 17, 2010

21 
22 _____
23 MORRISON C. ENGLAND, JR.
24 UNITED STATES DISTRICT JUDGE

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

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