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

CELSO COSTELO,

Plaintiff,

No. CIV 2:10-cv-2049-KJM-JFM (PS)

vs.

PRO30 FUNDING, *et al.*,

ORDER AND

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

This action was referred to the undersigned pursuant to Local Rule 302(c)(21).
On January 24, 2011, defendant Mortgage Electronic Registration Systems, Inc. filed a motion to
dismiss; and on January 27, 2011, defendant Placer Title Company filed a motion to dismiss.

Local Rule 230(c) provides that opposition to the granting of a motion must be
filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party
will be entitled to be heard in opposition to a motion at oral arguments if written opposition to
the motion has not been timely filed by that party.” *Id.*

Plaintiff has not filed opposition to defendants’ motions to dismiss. Plaintiff’s
failure to oppose should therefore be deemed a waiver of opposition to the granting of the
motion.

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1 Accordingly, IT IS HEREBY ORDERED that the hearing on defendants' motions
2 to dismiss, set for July 23, 2011, is vacated; and

3 IT IS HEREBY RECOMMENDED that:

4 1. Defendant Mortgage Electronic Registration Systems, Inc.'s January 24, 2011
5 motion to dismiss be granted;

6 2. Defendant Placer Title Company's January 27, 2011 motion to dismiss be
7 granted; and

8 3. This action be dismissed.

9 These findings and recommendations are submitted to the United States District
10 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
11 days after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
14 objections shall be filed and served within fourteen days after service of the objections. The
15 parties are advised that failure to file objections within the specified time may waive the right to
16 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 DATED: May 25, 2011.

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20 UNITED STATES MAGISTRATE JUDGE

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