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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYN FORTMULLER, an individual)	Case No. 2:11-CV-00948 JAM-DAD
)	
Plaintiff,)	
)	ORDER GRANTING DEFENDANTS'
v.)	MOTION TO DISMISS
)	
WELLS FARGO BANK, aka Wachovia)	
Mortgage, a division of Wells)	
Fargo formerly World Savings,)	
and DOES 1 through 5, inclusive,)	
)	
Defendants.)	

This matter comes before the Court on Defendant Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB's ("Wells Fargo") Motion to Dismiss (Doc. #7) Plaintiff Bryn Fortmuller's ("Plaintiff") Complaint (Doc. #1), pursuant to Federal Rules of Civil Procedure 12(b)(6). Plaintiff did not oppose the Motion to Dismiss.¹

Plaintiff did not file an opposition or statement of non-opposition to Defendants' Motion to Dismiss. Local Rule 230(c)

¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g). The hearing was originally scheduled for August 3, 2011.

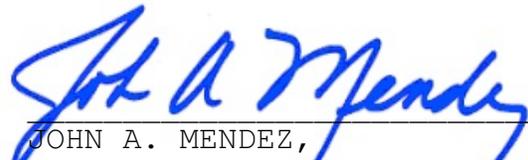
1 requires a party responding to a motion to file either an
2 opposition to the motion or a statement of non-opposition, no less
3 than fourteen (14) days preceding the noticed hearing date. Local
4 Rule 110 authorizes the Court to impose sanctions for "failure of
5 counsel or of a party to comply with these Rules." Therefore, the
6 Court will sanction Plaintiff's counsel, Steven C. Lynes, \$150.00
7 unless he shows good cause for his failure to comply with the Local
8 Rules.

9
10 ORDER

11 After carefully considering the papers submitted in this
12 matter, it is hereby ordered that Defendants' Motion to Dismiss is
13 GRANTED, WITH PREJUDICE. It is further ordered that within ten
14 (10) days of this Order Steven C. Lynes shall either (1) pay
15 sanctions of \$150.00 to the Clerk of the Court, or (2) submit a
16 statement of good cause explaining his failure to comply with Local
17 Rule 230(c).

18 IT IS SO ORDERED.

19 Dated: August 4, 2011

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21 JOHN A. MENDEZ,
22 UNITED STATES DISTRICT JUDGE
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