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

DMITRIY STOLYARCHUK

Plaintiff,

No. CIV S-11-1670 MCE CKD PS

vs.

AMTRUST BANK et al.

Defendants.

ORDER

_____ /

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21). On July 21, 2011, defendants AmTrust Bank, Mortgage Electronic Registration Systems, Inc., and Residential Credit Solutions, Inc. filed a motion to dismiss and a motion for an order expunging the lis pendens recorded by plaintiff. (Dkt. No. 11.) On October 11, 2011, plaintiff filed a statement of non-opposition. (Dkt. No. 19.) In the statement of non-opposition, plaintiff requested that the action be dismissed without prejudice.

Consequently, on October 14, 2011, the court ordered defendants to notify the court within seven (7) days whether they have any objection to the dismissal of the action without prejudice. (Dkt. No. 20.) Defendants AmTrust Bank, Mortgage Electronic Registration Systems, Inc. and Residential Credit Solutions, Inc. then filed timely objections, requesting that the action instead be dismissed with prejudice. (Dkt. No. 21.)

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff shall, within fourteen (14) days of the date of this order, file either a
3 statement of non-opposition to dismissal of the action with prejudice or an opposition to
4 defendants AmTrust Bank, Mortgage Electronic Registration Systems, Inc., and Residential
5 Credit Solutions, Inc.'s motion to dismiss and motion for an order expunging the lis pendens.

6 2. Failure to comply with this order will result in a recommendation that this
7 action be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

8 Dated: October 26, 2011

9 
10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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