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

MELANIE DYE,

Plaintiff,

No. 2:12-cv-3090 MCE AC PS

vs.

FIRST SOURCE FUNDING GROUP,
INC. *et al.*,

Defendants.

ORDER

_____ /

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On January 25, 2013, defendants Bank of America, N.A., Landsafe Inc., Mortgage Electronic Registration Systems, Inc., and Reconstruct Company, N.A. filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6). The hearing on this motion is currently set for March 13, 2013. To date, no opposition to the motion to dismiss has been filed.

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.” In addition, Local Rule 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in

1 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court.”

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. The hearing date of March 13, 2013 is vacated. Hearing on defendants’
6 motion to dismiss is continued to April 24, 2013 at 10:00 a.m. in courtroom no. 26.

7 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than
8 April 10, 2013. Failure to file opposition and/or appear at the hearing will be deemed as a
9 statement of non-opposition and shall result in a recommendation that this action be dismissed
10 pursuant to Federal Rule of Civil Procedure 41(b).

11 DATED: March 4, 2013.

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13 _____
14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE

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