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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARNEL FRANCISCO and JANETH
FRANCISCO,

Plaintiffs,

v.

CITIBANK, N.A.,

Defendant.

No. 2:13-CV-01195-MCE-DAD

ORDER

Presently before the Court is a motion by Defendant Citibank, N.A. ("Defendant") to dismiss the Complaint of Plaintiffs Arnel Francisco and Janeth Francisco ("Plaintiffs") for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 11.) Plaintiffs failed to file a timely Opposition to Defendant's Motion.

Pursuant to Local Rule 78-230(c), the opposition to a motion must be filed not less than fourteen (14) days prior to the date of the hearing. The date of the hearing on Defendant's Motion was set for September 19, 2013. Fourteen (14) days prior to the hearing was September 5, 2013. No opposition was filed as required. In light of the fact that no opposition was filed by Plaintiffs, Defendant's Motion to Dismiss (ECF No. 11) is GRANTED with leave to amend.

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Plaintiff may file an amended complaint not later than thirty (30) days after the date this Memorandum and Order is filed electronically. If no amended complaint is filed within said thirty (30)-day period, without further notice, Plaintiffs' claims will be dismissed without leave to amend.

IT IS SO ORDERED.

Dated: September 20, 2013



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT