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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BALVINDER BHATOYA, an  
individual;  
  
                            Plaintiff,

v.

OCWEN LOAN SERVICING, LLC;  
WESTERN PROGRESSIVE, LLC; and  
DOES 1 through 20, inclusive,  
  
                            Defendants.

No. 2:17-cv-538-JAM-DB

**ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS**

Balvinder Bhatoya ("Plaintiff") sued Ocwen Loan Servicing, LLC, and Western Progressive, LLC, ("Defendants") in state court, alleging claims related to the foreclosure on her property. ECF No. 2-1. Defendants removed the action to this Court based on complete diversity between the parties. ECF No. 2. Soon after removal, Plaintiff's counsel sought to withdraw as attorney, ECF No. 6, and Defendants filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6), ECF No. 9. Several days later, on May 1, 2017, Plaintiff filed a Motion for Temporary Restraining Order to enjoin Defendants from conducting the Trustee Sale of her property on May 4, 2017. ECF No. 13. Plaintiff withdrew her

1 Motion for TRO the next day, ECF No. 15, and the parties filed a  
2 Notice of Conditional Settlement the following week, ECF No. 16.  
3 The Court thus vacated the hearing dates for the pending motions  
4 and ordered the parties to file settlement documents in  
5 accordance with Local Rule 160, no later than June 20, 2017. ECF  
6 No. 17. No settlement documents were filed. Instead, on July  
7 19, 2017, Defendants noticed a hearing date on their previously  
8 filed Motion to Dismiss. ECF No. 18. The motion was reset for  
9 hearing on September 19, 2017.<sup>1</sup> Plaintiff has not filed a  
10 response, nor did Plaintiff oppose the motion previously.

11 After having considered the moving papers, and in light of  
12 Plaintiff's non-opposition to the motion, the Court GRANTS the  
13 Motion to Dismiss, with prejudice.

14 IT IS SO ORDERED.

15 Dated: October 2, 2017

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18 JOHN A. MENDEZ,  
19 UNITED STATES DISTRICT JUDGE  
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28 <sup>1</sup> This motion was determined to be suitable for decision without  
oral argument. E.D. Cal. L.R. 230(g).