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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANDRA ERAZO,

No. C 09-149 MHP

Plaintiff,

ORDER re FINAL DISMISSAL WITH PREJUDICE

v.

AURORA LOAN SERVICES, and DOES 1
TO 20, inclusive,

Defendants.

_____ /

This court’s order filed June 19, 2009, recites the litany of plaintiff’s failures to appear in this action initiated by her, her appearance after issuance of an order to show cause and the instructions given to her and defendant about the refileing of a motion to dismiss and that plaintiff file her opposition to the motion on or before June 1, 2009. Plaintiff failed to comply and on June 19, 2009, no opposition having been filed, this court deemed the motion submitted on the papers, granted the motion and dismissed the complaint.

Now plaintiff attempts to dismiss the complaint *without prejudice*, providing neither a stipulation of the parties nor seeking an order of the court. She merely files a Notice of Dismissal pursuant to “Rule 41(a)(1)”. Plaintiff is too late. An order has already been entered granting the motion to dismiss. To make it further clear, the dismissal is **with prejudice** and the Clerk of Court shall “Unfile” plaintiff’s Notice of Dismissal filed June 24, 2009, and merely stamp it as “Received”. To reiterate, the complaint herein is **DISMISSED IN ITS ENTIRETY WITH PREJUDICE**.

IT IS SO ORDERED.

Dated: June 26, 2009



MARILYN HALL PATEL
United States District Court Judge
Northern District of California

United States District Court
For the Northern District of California