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

MARIA GOMEZ,
Plaintiff,

No. C 09-00984 CRB

ORDER

v.

WELLS FARGO BANK, et al.,
Defendants.

Plaintiff Maria Gomez filed a *pro se* complaint alleging claims for quiet title, cancellation of a trustee's deed upon sale, slander of title, fraud, violation of the Truth in Lending Act, violation of California Code § 1632, and declaratory relief. Defendants Wells Fargo Bank, Mortgage Electronic Registration Systems, Inc., and EMC Mortgage Corporation have filed a Motion to Dismiss. Defendant Aztec Foreclosure Corporation has also filed a Motion to Dismiss. Both motions are noticed for hearing on May 1, 2009.

Pursuant to Civil Local Rule 7, Plaintiff's opposition or statement of non-opposition was due by April 10, 2009. As of April 23, 2009, Plaintiff has failed to file an opposition to either motion.

In the Motions to Dismiss, Defendants challenge each of Plaintiff's claims. Having reviewed the moving papers and the record, the Court concludes Defendants' Motions have merit. In particular, the Court notes that Plaintiff does not dispute that she is in default and has not made an offer to tender any portion of the amount due on her loan. The Court will

1 dismiss this case unless, by May 29, 2009, Plaintiff files a declaration to show cause why the
2 case should not be dismissed.

3 The hearing on the Motion to Dismiss scheduled for Friday, May 1, 2009 is hereby
4 VACATED.

5 **IT IS SO ORDERED.**

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8 Dated: April 23, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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