

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ANITA CONCEPCION,
Plaintiff,

No. C-10-CV-00401 EDL

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

v.

WORLD SAVINGS FINANCIAL, FSB, nka
WACHOVIA FINANCIAL SERVICES, INC.;
WACHOVIA FINANCIAL SERVICES, INC., A
WELLS FARGO COMPANY; WELLS FARGO
N.A., et al.

Defendants.

On February 4, 2010, Defendants Wachovia Financial Services, Inc., Wachovia Mortgage, FSB (formerly known as World Savings Bank, FSB) and Wells Fargo N.A. filed a Motion to Dismiss Plaintiff’s complaint and Motion to Strike portions of the complaint. These motions were set for hearing on March 16, 2010. Pursuant to Northern District Civil Local Rule 7-3(a), Plaintiff’s opposition briefs were due twenty-one days before the hearing date but Plaintiff failed to file any opposition by that date. Further, Plaintiff had failed to either consent to this Court’s jurisdiction or decline and request reassignment to a district court judge, despite repeated requests to do so by Court staff. Therefore this Court issued an Order to Show Cause why the case should not be dismissed for failure to prosecute or why the motions should not be granted as unopposed. Plaintiff was ordered to respond by no later than March 4, 2010 or the Court would recommend dismissal of the action without prejudice for failure to prosecute. The Order to Show Cause also warned Plaintiff that if she sought to file oppositions to Defendants’ motions, she must demonstrate good cause for

1 her failure to comply with the Local Rules and file a request to file late opposition briefs by March
2 4, 2010.

3 On March 4, 2010, Plaintiff filed a notice of consent to proceed before a magistrate judge,
4 but failed to file any opposition to Defendants' Motion to Dismiss and Motion to Strike or to offer
5 any explanation for her failure to comply with local rules or request to late file any opposition.
6 Because Plaintiff has entirely failed to oppose the Motion to Dismiss and Motion to Strike, despite
7 ample opportunity to do so, the Court Orders this case DISMISSED WITHOUT PREJUDICE.

8

9 **IT IS SO ORDERED.**

10

11 Dated: March 8, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28