

United States District Court
For the Northern District of California

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

ANDY PULIDO,

Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Defendant.

No. C 12-5204 SI

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT
LEAVE TO AMEND**

Now before the Court is defendant’s motion to dismiss plaintiff’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff has not opposed the motion, requested an extension of time, or otherwise contacted the Court. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument.

On August 29, 2012, plaintiff filed the present action in Alameda County Superior Court alleging fraud and seeking injunctive relief and quiet title against defendant after defendant successfully obtained the subject property in a separate action for unlawful detainer. Defendant removed the case to this Court on October 9, 2012, and filed a motion to dismiss on December 18, 2012. On February 8, 2013, Magistrate Judge Jacqueline Scott Corley filed a Report and Recommendation recommending that the Court grant defendant’s motion to dismiss. The Report and Recommendation was served on plaintiff by mail. Plaintiff made no objections to the Report and Recommendation by the February 22, 2013 deadline, or thereafter. *See* Fed. R. Civ. P. 72(b).

Lacking both parties’ consent to proceed before a magistrate judge, the case was reassigned here.

1 The Court has reviewed the Report and Recommendation, the complaint, and the motion to dismiss, and
2 concludes that the case should be dismissed as set forth in the Report and Recommendation.

3 Accordingly, the Court ADOPTS the Report and Recommendation and DISMISSES the case
4 WITHOUT LEAVE TO AMEND.


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6 **IT IS SO ORDERED.**

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8 Dated: March 22 , 2013

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SUSAN ILLSTON
United States District Judge

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