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

|                            |   |                          |
|----------------------------|---|--------------------------|
| HELEN PEREZ,               | ) | Case No. 12-5403-SC      |
|                            | ) |                          |
| Plaintiff,                 | ) | ORDER GRANTING MOTION TO |
|                            | ) | <u>DISMISS</u>           |
| v.                         | ) |                          |
|                            | ) |                          |
| CONSOLIDATED TRIBAL HEALTH | ) |                          |
| PROJECT, INC.,             | ) |                          |
|                            | ) |                          |
| Defendant.                 | ) |                          |
|                            | ) |                          |

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Now pending before the Court is Defendant Consolidated Tribal Health Project, Inc.'s ("Defendant") unopposed motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). ECF No. 4 ("MTD"). After Plaintiff Helen Perez ("Plaintiff") failed to file a timely opposition to the motion, the Court issued an order to show cause why the case should not be dismissed. ECF No. 12. At the show cause hearing, Plaintiff's counsel explained that Plaintiff believed that this case had been improperly removed to federal court. The Court instructed Plaintiff to file a motion to remand, which she did on February 8, 2013. ECF Nos. 15, 16. On March 21, 2013, the Court denied Plaintiff's motion to remand and

1 instructed her to file an opposition to Defendant's still pending  
2 motion to dismiss within fourteen days of the signature date of the  
3 Order. ECF No. 29. Plaintiff has yet to oppose Defendant's motion  
4 to dismiss. For these reasons and good cause shown, the Court  
5 hereby GRANTS Defendant's motion to dismiss and DISMISSES  
6 Plaintiff's action in its entirety.

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8 IT IS SO ORDERED.

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10 Dated: April 9, 2013

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UNITED STATES DISTRICT JUDGE

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