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United States District Court  
For the Northern District of California

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

JAMES SINGH,  
Plaintiff,  
v.  
WELLS FARGO BANK,  
Defendant.

No. C 12-6566 SI

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT WITHOUT  
LEAVE TO AMEND; GRANTING  
DEFENDANT’S MOTION TO EXPUNGE  
LIS PENDENS**

Now before the Court is defendant’s motion to expunge plaintiff’s *lis pendens* and 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. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument.

On December 3, 2012, plaintiff filed the present action in Alameda County Superior Court for: (1) quiet title; (2) declaratory relief; (3) injunctive relief; (4) cancellation of instruments; (5) violation of Cal. Civil Code § 2934(A)(1)(a); (6) unjust enrichment; and (7) fraud. Defendant removed the case to this Court on December 28, 2012, and filed a motion to dismiss on January 3, 2013, and a motion to expunge on January 8, 2013. On February 19, 2013, Magistrate Judge Elizabeth D. Laporte held a hearing on the motions. On March 8, 2013, Judge Laporte filed a Report and Recommendation recommending that the Court grant defendant’s motion to dismiss and motion to expunge. Plaintiff made no objections to the Report and Recommendation by the 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. The Court has reviewed the Report and Recommendation, the complaint, the motion to dismiss and the

1 motion to expunge, and concludes that the case should be dismissed as set forth in the Report and  
2 Recommendation.

3 Accordingly, the Court ADOPTS the Report and Recommendation, DISMISSES the case  
4 WITHOUT LEAVE TO AMEND, and GRANTS DEFENDANT'S MOTION TO EXPUNGE.

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6 **IT IS SO ORDERED.**

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8 Dated: April 25, 2013

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SUSAN ILLSTON  
United States District Judge

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