Doc. 19

IN THE UNITED STATES DISTRICT COURT 1 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 CARLOS SALAZAR, No. C 11-03143 CW 4 Plaintiff, ORDER DENYING AS 5 MOOT WELLS FARGO'S MOTION TO v. 6 DISMISS AND FIRST AMERICAN TRUSTEE SERVICING GRANTING WELLS 7 SOLUTIONS, LLC; and WELLS FARGO BANK, FARGO'S MOTION TO N.A., EXPUNGE LIS 8 PENDENS NOTICE Defendants. (Docket Nos. 5 9 and 6)

On July 19, 2011, the Court ordered Plaintiff Carlos Salazar to respond within seven days to Defendant Wells Fargo Bank, N.A.'s motion to dismiss his claims and motion to expunge a lis pendens notice that he recorded for property located at 1622 Bissell Avenue in Richmond, California. The Court warned Plaintiff that, if he failed to respond, his claims against Wells Fargo Bank would be dismissed for failure to prosecute. Plaintiff did not respond.

Accordingly, Plaintiff's claims against Wells Fargo are 19 dismissed without prejudice for failure to prosecute. Wells 20 Fargo's motion to dismiss is DENIED as moot (Docket No. 5) and its 21 motion to expunge Plaintiff's lis pendens notice is GRANTED (Docket 22 No. 6). Any lis pendens notice filed by Plaintiff concerning this 23 action and the Bissell Avenue property shall be expunded. Wells 24 Fargo's request for attorneys' fees in connection with its motion 25 to expunge is DENIED. 26

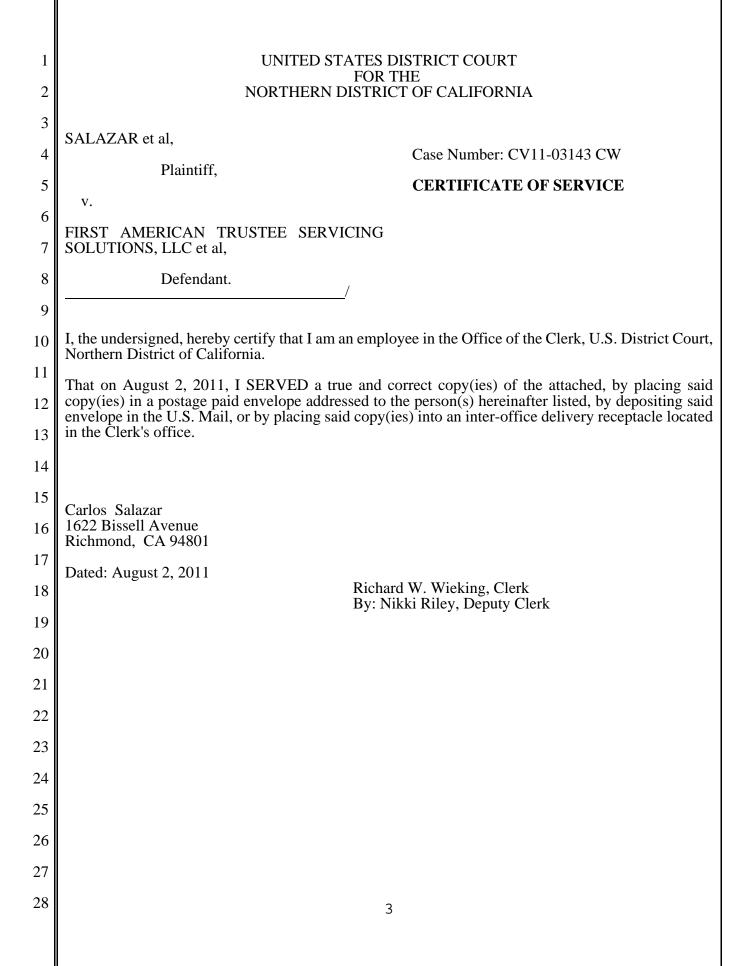
27 On July 22, 2011, Defendant First American Trustee Servicing 28 Solutions, LLC, filed a motion to dismiss Plaintiff's claims.

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Plaintiff's response to the motion is due August 5, 2011, First American's reply is due August 12, 2011, and a hearing is set for August 25, 2011. Plaintiff's failure to respond to the motion will result in the dismissal of his claims against First American. IT IS SO ORDERED. 1. Istan Dated: 8/2/2011 United States District Judge

For the Northern District of California **United States District Court**



United States District Court For the Northern District of California