

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

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CARLOS SALAZAR,  
  
Plaintiff,  
  
v.  
  
FIRST AMERICAN TRUSTEE SERVICING  
SOLUTIONS, LLC; and WELLS FARGO BANK,  
N.A.,  
  
Defendants.

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No. C 11-03143 CW  
  
ORDER DENYING AS  
MOOT WELLS  
FARGO'S MOTION TO  
DISMISS AND  
GRANTING WELLS  
FARGO'S MOTION TO  
EXPUNGE LIS  
PENDENS NOTICE  
(Docket Nos. 5  
and 6)

United States District Court  
For the Northern District of California

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 dismissed without prejudice for failure to prosecute. Wells Fargo's motion to dismiss is DENIED as moot (Docket No. 5) and its motion to expunge Plaintiff's lis pendens notice is GRANTED (Docket No. 6). Any lis pendens notice filed by Plaintiff concerning this action and the Bissell Avenue property shall be expunged. Wells Fargo's request for attorneys' fees in connection with its motion to expunge is DENIED.

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

1 Plaintiff's response to the motion is due August 5, 2011, First  
2 American's reply is due August 12, 2011, and a hearing is set for  
3 August 25, 2011. Plaintiff's failure to respond to the motion will  
4 result in the dismissal of his claims against First American.

5 IT IS SO ORDERED.

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7 Dated: 8/2/2011

  
8 CLAUDIA WILKEN  
9 United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 SALAZAR et al,

5 Plaintiff,

6 v.

7 FIRST AMERICAN TRUSTEE SERVICING  
8 SOLUTIONS, LLC et al,

9 Defendant.

Case Number: CV11-03143 CW

**CERTIFICATE OF SERVICE**

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
11 Northern District of California.

12 That on August 2, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
15 in the Clerk's office.

16 Carlos Salazar  
17 1622 Bissell Avenue  
18 Richmond, CA 94801

Dated: August 2, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk