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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
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8 **MARIA ELENA PERMITO,**

9 **Plaintiff(s),**

10 **v.**

11 **WELLS FARGO BANK, N.A.,**

12 **Defendant(s).**

**Case No.: 12-CV-00545 YGR**

**ORDER REGARDING PLAINTIFF'S FAILURE TO  
FILE AN AMENDED COMPLAINT; AND  
PLAINTIFF'S FAILURE TO FILE AN  
OPPOSITION TO DEFENDANT'S MOTION TO  
DISMISS**

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14 On April 20, 2012, the Court Granted Defendant's Motion to Dismiss with leave to amend.  
15 Dkt. No. 25. Plaintiff had 21 days to file her amended complaint. To date, Plaintiff has not filed an  
16 amended complaint.

17 On May 24, 2012, Defendant filed a Motion to Dismiss under Federal Rule of Civil Procedure  
18 41. Dkt. No. 28. The hearing on the motion is set for July 10, 2012. Plaintiff's opposition was due  
19 on June 7, 2012. Civ. L.R. 7-3(a).

20 To date, Plaintiff has failed to oppose the Motion. Plaintiff shall file an amended complaint no  
21 later than June 25, 2012. Failure to file an amended complaint by that date will result in dismissal of  
22 this action for failure to prosecute.

23 The hearing date of July 10, 2012 is hereby **VACATED**.

24 **IT IS SO ORDERED.**

25  
26 Dated: June 14, 2012

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28 **YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**