

United States District Court
For the Northern District of California

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E-FILED on 12/17/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHU VAN NGUYEN, HAI THAI NGUYEN,
Husband and Wife,

Plaintiff,

v.

BAC HOME LOAN SERVICES, LP, et al.,

Defendants.


No. C-10-01712 RMW

ORDER GRANTING MOTION TO DISMISS

[Re Docket No. 55]

Defendants' motion to dismiss came on for hearing on December 17, 2010. The plaintiffs filed no opposition, nor did they appear at the hearing. Defendants' motion to dismiss is granted on the basis that the complaint fails to state a claim upon which relief can be granted. Since plaintiffs have had two opportunities to file a viable complaint and have failed to offer any suggestion that they can successfully amend, the dismissal is without leave to amend.

DATED: 12/17/2010


RONALD M. WHYTE
United States District Judge