

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARMANDO SUAREZ,)	Case No.: 12-CV-01319-LHK
)	
Plaintiff,)	
v.)	ORDER DISMISSING CASE WITH
)	PREJUDICE
COUNTRYWIDE BANK, N.A., et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff Armando Suarez (“Plaintiff”) filed his complaint in this Court on March 16, 2012, alleging ten claims. ECF No. 1. On July 30, 2012, Defendants Countrywide Bank, N.A. (“Countrywide”), Recontrust Company, N.A. (“Recontrust”), and Bank of America, N.A. (“Bank of America”) filed a motion to dismiss all ten of Plaintiff’s claims, pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ See ECF No. 12. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on August 13, 2012. Plaintiff never filed an opposition or statement of nonopposition to Defendants’ motion to dismiss.

On October 9, 2012, the Court issued an Order to show cause why this case should not be dismissed for failure to prosecute. ECF No. 20. The Court Ordered Plaintiff to file a response by October 24, 2012 and to appear at a hearing on November 1, 2012, or his case would be dismissed

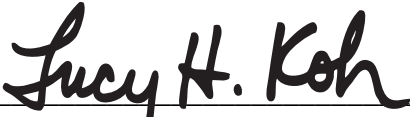
¹Defendants Regina D. Myles and Diane Bolton filed a joinder in the motion to dismiss on August 14, 2012. ECF No. 17. Defendant The Bank of New York Mellon filed a joinder in the motion to dismiss on August 16, 2012. ECF No. 19.

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with prejudice for failure to prosecute. Plaintiff did not file a response, and did not appear at the hearing. Accordingly, this case is dismissed with prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: November 2, 2012



LUCY H. KOH
United States District Judge