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E-FILED on 12/3/12

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

:Romulo-B.: Casiano (SR).
:Romana-V.: Casiano.
:David-Wynn. : Miller. : Federal –Judge,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK, FA, et al.,

Defendants.

No. C-12-03979 RMW

ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING
DEFENDANTS' MOTION TO DISMISS**[Re Docket Nos. 3 and 15]**

On August 7, 2012, defendants Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A. (formerly known as Wachovia Mortgage, FSB and World Savings Bank, FSB) and Golden West Savings Association Service Co. (“defendants”), moved to dismiss all claims in the complaint pursuant to Rules 8 and 12(b)(6). Dkt. No. 3. Defendants also asked the court to take judicial notice of documents submitted in support of their motion to dismiss. On October 9, 2012, Magistrate Judge Lloyd held a hearing on the motion. Plaintiff did not file a written opposition or appear at the hearing. Because not all parties had consented to proceed before a magistrate judge, Judge Lloyd ordered that the case be reassigned to a district judge and issued a

1 report and recommendation that the complaint be dismissed without leave to amend and deny as
2 moot defendants' request to take judicial notice. Dkt. No. 15.

3 14. The case is now before the undersigned.

4 The court having reviewed the magistrate judge's report and there being no objections filed,
5 the court adopts the magistrate judge's report and recommendation in full. Defendants' motion to
6 dismiss is granted and plaintiff's complaint is dismissed with prejudice.

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10 DATED: December 3, 2012


RONALD M. WHYTE
United States District Judge

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