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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NANCY L. MICKELBERRY,  
Plaintiff,  
v.  
WELLS FARGO BANK, N.A., et al.,  
Defendants.

Case No. 15-CV-04589-LHK

**ORDER GRANTING MOTION TO  
DISMISS WITHOUT PREJUDICE**

Re: Dkt. No. 8

Plaintiff Nancy Mickelberry, with the assistance of counsel, brought suit against Defendants Wells Fargo Bank, N.A. (“Wells Fargo”); NBS Default Services, LLC (“NBS Default Services”); and Does 1 through 50 in Monterey County Superior Court on August 28, 2015. ECF No. 1-1. On October 5, 2015, Wells Fargo removed the instant case to federal court. ECF No. 1.

On October 13, 2015, Wells Fargo moved to dismiss Plaintiff’s complaint. ECF No. 8. On November 2, 2015, NBS Default Services filed a notice of joinder to Wells Fargo’s Motion to Dismiss. ECF No. 14. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s Opposition to Wells Fargo’s Motion to Dismiss was due on October 27, 2015. *See* Civ. L.R. 7-3(a) (“[Any] opposition must be filed and served not more than 14 days after the motion was filed.”). As of today, December 18, 2015, Plaintiff has not yet filed an Opposition or Statement of Nonopposition to

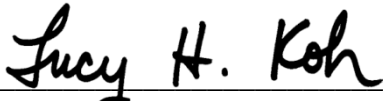
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Wells Fargo’s Motion to Dismiss.

Because Plaintiff has not responded to Defendants’ Motion to Dismiss, the Court hereby GRANTS Defendants’ Motion to Dismiss without prejudice. Should Plaintiff elect to file an amended complaint addressing the deficiencies identified in Defendants’ Motion to Dismiss, Plaintiffs shall do so within 30 days of the date of this Order. Failure to meet the 30 day deadline to file an amended complaint or failure to cure the deficiencies identified in Defendants’ Motion to Dismiss will result in a dismissal with prejudice. Plaintiffs may not add new causes of action or parties without leave of the Court or stipulation of the parties pursuant to Federal Rule of Civil Procedure 15.

**IT IS SO ORDERED.**

Dated: December 18, 2015

  
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LUCY H. KOH  
United States District Judge