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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MANUEL ESCOBAR,  
Plaintiff,  
v.  
OCWEN LOAN SERVICING, LLC, et al.,  
Defendants.

Case No. 16-CV-02728-LHK

**ORDER GRANTING MOTION TO  
DISMISS WITHOUT PREJUDICE**

Re: Dkt. No. 5

Plaintiff Manuel Escobar (“Plaintiff”), proceeding *pro se*, filed suit against Defendants Ocwen Loan Servicing, LLC; HSBC Bank USA, National Association; Greenpoint Mortgage Funding; Western Progressive LLC; and Mortgage Electronic Registration System (collectively, “Defendants”) in Monterey County Superior Court on April 20, 2016. ECF No. 1-1. On May 19, 2016, Defendants removed the instant case to federal court. ECF No. 1.

On May 26, 2016, Defendants moved to dismiss Plaintiff’s complaint. ECF No. 5. Defendants’ filed a certificate of service with their motion which stated that Plaintiff had been served a copy of Defendants’ motion to dismiss. Pursuant to Civil Local Rule 7-3, Plaintiff’s response to Defendants’ motion to dismiss was due on June 9, 2016. *See* Civ. L.R. 7-3(a) (“[Any] opposition [or statement of non-opposition] must be filed and served not more than 14 days after

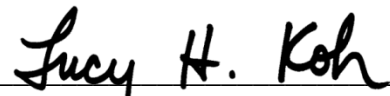
1 the motion was filed.”). As of today, July 25, 2016, Plaintiff has not yet filed a response to  
2 Defendants’ motion to dismiss.

3 Because Plaintiff has not responded to Defendants’ motion to dismiss, the Court hereby  
4 GRANTS Defendants’ motion to dismiss without prejudice. The hearing on Defendants’ motion  
5 to dismiss, currently set for August 18, 2016, at 1:30 p.m., is VACATED. The initial case  
6 management conference, currently set for August 18, 2016, at 1:30 p.m., is CONTINUED to  
7 August 31, 2016, at 2:00 p.m.

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

14 **IT IS SO ORDERED.**

15 Dated: July 25, 2016

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17 LUCY H. KOH  
18 United States District Judge

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