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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARIO A. PITOGO,

Plaintiff,

v.

CREDIT SUISSE FINANCIAL
CORPORATION, QUALITY LOAN
SERVICE CORPORATION, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., SELECT PORTFOLIO
SERVICING, INC., FAIR VALLEY
FINANCIAL, INC., ALI C. NAYAB, and
BRANDO ONA MADRIGAL,

Defendants.

CASE NO. 09 CV 1061 JM (NLS)

**ORDER:
1) GRANTING DEFENDANTS'
MOTION TO DISMISS; and
2) TO SHOW CAUSE**

Doc. No. 4

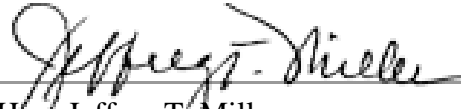
On May 14, 2009, Plaintiff filed the instant action advancing claims arising out of a home mortgage loan transaction. (Doc. No. 1, "Compl.") Defendants Credit Suisse Financial Corporation, Quality Loan Service Corporation, Mortgage Electronic Registration Systems, Inc., and Select Portfolio Servicing, Inc. (collectively, "Defendants") are the only named defendants yet served in the action. Pending before the court is Defendants' Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6). (Doc. No. 4.) To date, Plaintiff has filed no opposition to the motion, nor a statement of non-opposition, as required by this court's local rules. Under these circumstances, it is within the court's discretion to grant the motion to dismiss under Civil Local Rule 7.1(f)(3)(c).

1 Because the lack of opposition indicates Plaintiff's concurrence with the arguments set forth
2 by Defendants, and because the court agrees with Defendants that the entire Complaint fails to meet
3 federal pleading standards under Rule 8, Defendants' motion is hereby **GRANTED**. Accordingly,
4 Plaintiff's Complaint is **DISMISSED** in its entirety.

5 In addition, the court hereby **ORDERS** Plaintiff's counsel, David St. John and Dean Browning
6 Webb, **TO SHOW CAUSE** why sanctions should not be imposed for repeated violations of Civil
7 Local Rule 7.1(f)(3)(c).¹ Plaintiff's counsel shall appear for hearing on this matter on **Friday**,
8 **August 21, 2009 at 1:30 p.m.** in Courtroom 16.

9 **IT IS SO ORDERED.**

10 DATED: August 3, 2009

11 
12 Hon. Jeffrey T. Miller
13 United States District Judge

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27 ¹ The court notes Plaintiff's counsels' failure to file an opposition or statement of non-
28 opposition is the latest in a long line of similar transgressions. See, e.g., Andrade v. Wachovia
Mortgage, FSB, Case No. 09-cv-0377 (two motions unopposed); Watts v. Decision One Mortgage
Co., Case No. 09-cv-0043 (three motions unopposed); and Cataulin v. Washington Mutual Bank, Case
No. 08-cv-2419 (four motions unopposed).