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CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

ROSALIE ARRIOLA,

Plaintiff,

VS.

GRANDE HOMES, INC.; et al.,

Defendants.

CASE NO. 09-cv-1198 BEN (POR)

ORDER GRANTING DEFENDANT GRANDE HOMES, INC.'S MOTION TO DISMISS

This case arises from the financing of real property located at 1214 Avenida Fragata, San Marcos, California. Plaintiff initiated this action on June 2, 2009. (Docket No. 1.) This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint alleges violations of certain federal statutes and, therefore, raises a federal question.

On November 9, 2009, Defendant Grande Homes, Inc. ("Grande Homes") filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b), which is currently pending before this Court. (Docket No. 10.) The Motion seeks to dismiss all causes of action alleged against Grande Homes based on Plaintiff's alleged failure to prosecute or comply with orders from this Court.

Despite receiving a lengthy extension of time, Plaintiff has not filed an opposition or other response to the Motion. Pursuant to Civil Local Rule 7.1.e.2, Plaintiff's opposition or other response, if any, was due no later than March 8, 2010.

Civil Local Rule 7.1.f.3.c provides,

If an opposing party fails to file papers in the manner required by Civil Local Rule

7.1.e.2, that failure may constitute a consent to the granting of a motion or other request for ruling by the court."

As Plaintiff has failed to file an opposition or other response to the Motion as required by Local Rule 7.1.e.2, the Court hereby **GRANTS** Defendant Grande Homes, Inc.'s Motion to Dismiss (Docket No. 10). All causes of action asserted against Defendant Grande Homes, Inc. in Plaintiff's Complaint are **DISMISSED** without prejudice.

IT IS SO ORDERED.

Date: March / 2010

Hon. Roger T. Benitez

Judge, United States District Court