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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARMEN ARJONILLA,

Plaintiff,

v.

AZTEC FORECLOSURE
CORPORATION, et al.,

Defendant.

CASE NO. 09-CV-1599 W (RBB)

**ORDER GRANTING
DEFENDANT’S EX PARTE
APPLICATION FOR
JUDGMENT OF DISMISSAL
(DOC. 11)**

Pending before the Court is Defendant U.S. Bank’s (“Countrywide”) ex parte application for entry of a judgment of dismissal pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 11.) Plaintiff has not opposed the application.


Rule 41(b) provides that “[i]f the plaintiff fails . . . to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) . . . operates as an adjudication on the merits.”

On September 2, 2009, this Court issued an order granting Defendant U.S. Bank’s motion to dismiss the complaint. (See Doc. 9.) However, the order granted Plaintiff leave to amend the complaint until October 2, 2009.

1 To date Plaintiff has not filed an amended complaint, nor has she filed a motion
2 or ex parte application requesting additional time in which to do so. Accordingly, the
3 Court **GRANTS** Defendant's ex parte application (Doc. 11) and **ORDERS** this matter
4 **DISMISSED WITH PREJUDICE** and **JUDGMENT** shall be entered in favor of
5 Defendant U.S. Bank.

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8 **IT IS SO ORDERED.**

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10 DATED: October 30, 2009

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14 Hon. Thomas J. Whelan
15 United States District Judge
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