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10	UNITED STATES DISTRICT COURT	
11	SOUTHERN DISTRICT OF CALIFORNIA	
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13	FELIX R. MARISTELA, et al.,	CASE NO. 09-CV-2856 W (BLM)
14	Plaintiffs,	ORDER GRANTING
15	V.	DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE
16	PARAMOUNT REALTY AND	[DOC. 12]
17	FINANCIAL, et al.,	
18	Defendants.	
19 20	On January 5, 2011, Defendants PNC Bank and PNC Financial filed a motion to	
20	dismiss this action with prejudice based on Plaintiffs Felix R. Maristela and Salmone E.	
21	Maristela's failure to prosecute and failure to comply with this Court's July 19, 2010	
22 23	order. Plaintiffs have not opposed.	
23 24	Civil Local Rule 7.1 (f.3.c) provides that "[i]f an opposing party fails to file papers	
2 4 25	in the manner required by Local Rule 7.1(e)(2), that failure may constitute a consent	
26	to the granting of that motion or other ruling by the court." The Ninth Circuit has held	
27	that a district court may properly grant a motion to dismiss for failure to respond. See	
28	generally Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) (affirming	
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dismissal for failure to file timely opposition papers where plaintiff had notice of the
 motion and ample time to respond).

In this case, based on the February 7, 2011 hearing date, Plaintiffs' opposition
was due on or before January 24, 2011. Plaintiffs, however, did not file an opposition
and have not requested additional time to do so. Moreover, there is no evidence before
the Court that Defendants' moving papers failed to reach the mailing address designated
in Defendants' Proof of Service or that Plaintiffs were not aware of the pending motion.
Relying on Civil Local Rule 7.1(f.3.c), the Court deems Plaintiffs' failure to oppose
Defendants' motion as consent to granting the motion.

In light of the foregoing, the Court GRANTS Defendants' motion to dismiss this
action WITH PREJUDICE. (Doc. 12.)

IT IS SO ORDERED.

15 DATED: January 31, 2011

Thomas J. Whelan United States District Judge