

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LILIANA DE LA TORRE,

Plaintiff,

vs.

BANK OF AMERICA, et al.,

Defendants.

CASE NO. 09cv2863 DMS (WVG)

**ORDER GRANTING MOTION TO
DISMISS**

[Doc. 4]

Pending before the Court is Defendant's motion to dismiss Plaintiff's Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. 4.) The matter is suitable for submission without oral argument, pursuant to Civil Local Rule 7.1.

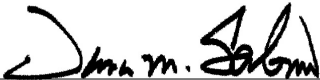
Under Local Rule 7.1(f), failure to file a timely written opposition "may constitute a consent to the granting of a motion or other request for ruling by the court." Civ. L. R. 7.1(f)(3)(c). Failure to follow a district court's local rule is a proper ground for dismissal. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979)). "Although we construe pleadings liberally in their favor, pro se litigants are bound by the rules of procedure in federal court." *Ghazali*, 46 F.3d at 54. Plaintiff failed to file an opposition to the motion, and the time for doing so has expired. Accordingly, Plaintiffs' complaint is dismissed without prejudice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Should Plaintiff elect to proceed with this case, she shall file an amended complaint no later than *March 15, 2010*.

IT IS SO ORDERED.

DATED: February 4, 2010



HON. DANA M. SABRAW
United States District Judge