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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DONALD D. DIFFENBAUGH,
Plaintiff,
vs.
NATIONAL CITY MORTGAGE A
DIVISION OF NATIONAL BANK,
et al.,
Defendants.

CASE NO. 10-CV-54 W (BLM)
**ORDER GRANTING
DEFENDANTS' UNOPPOSED
MOTION TO DISMISS
(Doc. No. 6.)**

On May 3, 2010, Defendants PNC Bank and Lyman Swensen (“Defendants”) moved to dismiss Plaintiff Donald D. Diffenbaugh’s (“Plaintiff”) complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. No. 6.)

On June 11, 2010, Plaintiff filed a “statement of non-opposition” to Defendants’ motion. Specifically, Plaintiff requests that the Court dismiss this entire action, against all defendants, without prejudice. (Doc. No. 8:7–9.)

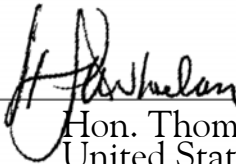
Defendants motion was set to be heard June 28, 2010. As such, any Reply memorandum to Plaintiff’s non-opposition was due June 21, 2010. See S.D. Cal. Civ. R. 7.1(e.3) To date, Defendants have not filed a Reply.

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Having read and considered the moving papers, the Court **GRANTS** Defendants' unopposed motion. (Doc. No. 6.) Moreover, in accordance with Plaintiff's request, this entire lawsuit is hereby **DISMISSED** against all parties **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED: July 2, 2010



Hon. Thomas J. Whelan
United States District Judge