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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	STEVEN KING,	CASE NO. 3:10-CV-1749 MMA (AJB)
12	Plaintiff, vs.	(AJB) ORDER GRANTING DEFENDANT
13	vs.	B.F. SAUL MORTGAGE CO.'S MOTION TO DISMISS
14	B.F. SAUL MORTGAGE CO., et al.,	[Doc. No.3]
15	Defendants.	[Doc. No.3]
16	Before the Court is Defendant Chevy Chase Mortgage Company's, formerly known as B.F.	
17	Saul Mortgage Company, ("Saul") motion to dismiss Plaintiff Steven King's complaint under Federal	
18	Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted. [Doc.	
19	No. 3.] For the following reasons, the Court GRANTS Defendant's motion to dismiss.	
20	BACKGROUND	
21	This action arises from foreclosure-related events with respect to Plaintiff's home and real	
22	property, located at 7100-7114 Mohawk Street, San Diego, California 92115. Plaintiff asserts, inter	
23	alia, that he was misled with respect to the origination phase of the loan that was based upon	
24	Plaintiff's property. [Doc. No.1.]	
25	On July 15, 2010, Plaintiff filed the current suit in San Diego Superior Court, naming B.F. Saul	
26	Mortgage Company, Mortgage Electronic Registration Systems, and Specialized Loan Servicing as	
27	defendants. [Id.] Plaintiff asserts multiple causes of action, including violations of the Truth In	
28	Lending Act, Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act, Breach of	

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Contract, Misrepresentation and Fraud. [Id.] On August 20, 2010, Defendant Saul removed the action 2 to this Court. [Id.]

3 On August 27, 2010, Defendant Saul moved to dismiss Plaintiff's complaint pursuant to Rule 4 12(b)(6) for failure to state a claim. [Doc. No.3.] Plaintiff did not file an opposition within the time 5 permitted by Civil Local Rule 7.1(e), nor did he request more time to do so.

DISCUSSION

7 The Ninth Circuit has held a district court may properly grant an unopposed motion to dismiss 8 pursuant to a local rule where the local rule permits, but does not require, the granting of a motion for 9 failure to respond. See generally, Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Local Civil Rule 10 7.1(f)(3)(c) provides that "[i]f an opposing party fails to file papers in the manner required by Local 11 Rule 7.1(e)(2), that failure may constitute a consent to the granting of that motion or other ruling by 12 the court." As such, the Court has the option of granting Defendant Saul's motion on the basis of 13 Plaintiff's failure to respond, and it chooses to do so.

14 Generally, public policy favors disposition of cases on their merits. See, e.g., Hernandez v. 15 City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998). However, a case cannot move forward toward 16 resolution on the merits when the plaintiff fails to defend his case against a Rule 12(b)(6) motion. 17 Thus, this policy lends little support to a party whose responsibility it is to move a case toward 18 disposition on the merits but whose conduct impedes or completely prevents progress in that direction. 19 See In re Eisen, 31 F.3d 1447, 1454 (9th Cir. 1994). In addition, management of this Court's docket 20 is of vital significance to the proper and timely resolution of matters before it. Consequently, the 21 Court finds dismissal of this action pursuant to Local Civil Rule 7.1(f)(3)(c) serves to facilitate the 22 management of its docket in light of Plaintiff's failure to respond and move the case toward 23 disposition on the merits.

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1	CONCLUSION	
2	For the reasons set forth above, the Court GRANTS Defendant Saul's motion to dismiss for	
3	failure to state a claim upon which relief may be granted. Plaintiff's claims are DISMISSED as to	
4	Defendant B.F. Saul Mortgage Company.	
5	IT IS SO ORDERED.	
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7	DATED: September 21, 2010	
8	Michael Tu - a sello	
9	Hon. Michael M. Anello United States District Judge	
10	United States District Judge	
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