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

EVANS TIRE & SERVICE CENTERS,  
INC., a California corporation,  
  
Plaintiff,  
  
vs.  
BANK OF AMERICA, a California  
corporation; DOES 1 through 10,  
  
Defendants.

CASE NO. 11cv2128 WQH (WVG)  
ORDER


HAYES, Judge:

On August 5, 2011, Plaintiff Evans Tire & Service Centers, Inc. initiated this action by filing a Complaint in San Diego County Superior Court. (ECF No. 1-1 at 2). On September 14, 2011, Defendant Bank of America removed the matter to this Court. (ECF No. 1).

On September 21, 2011, Defendant filed a Motion to Dismiss the Complaint for failure to state a claim. (ECF No. 5). On March 14, 2012, the Court granted the Motion to Dismiss. (ECF No. 10). The Court stated that Plaintiff “may file a motion for leave to file a first amended complaint, accompanied by a proposed first amended complaint, within thirty days from the date of this order. If no motion is filed, the case will be dismissed without prejudice.”

To date, Plaintiff has not filed any motion for leave to file a first amended complaint or proposed first amended complaint. Accordingly, the case is dismissed without prejudice.

DATED: April 25, 2012

  
**WILLIAM Q. HAYES**  
United States District Judge