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8   UNITED STATES DISTRICT COURT

9   SOUTHERN DISTRICT OF CALIFORNIA

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11   RIGOBERTO M. ANGUIANO,   )   Civil No. 13-cv-1035-L(BLM)
)
12   Plaintiff,   )   **ORDER GRANTING UNOPPOSED**
)   **MOTION TO DISMISS WITHOUT**
13   v.   )   **PREJUDICE [DOC. 8]**
)
14   BANK OF AMERICA, *et al.*,   )
)
15   Defendants.   )
)
16   _____

17   On May 1, 2013, Plaintiff filed the instant Complaint. (Doc. 1.) On September 5, 2013,

18   Defendants filed a Motion to Dismiss this action in its entirety. (*MTD* [Doc. 8].) On September

19   6, 2013, the Court issued a scheduling order which required Plaintiff to respond to the Motion to

20   Dismiss on November 1, 2013. (*Scheduling Order* [Doc. 9].) Plaintiff has not opposed the

     motion as of the date of this order.
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          Civil Local Rule 7.1(f.3.c) provides that "[i]f an opposing party fails to file papers in the
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     manner required by Local Rule 7.1.e.2, that failure may constitute a consent to the granting of
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     that motion or other ruling by the court." The Ninth Circuit has held that a district court may
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     properly grant a motion to dismiss for failure to respond. *See generally Ghazali v. Moran*, 46
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     F.3d 52, 52 (9th Cir. 1995) (per curiam) (affirming dismissal for failure to file timely opposition
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     papers where plaintiff had notice of the motion and ample time to respond).
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          Therefore, relying on Civil Local Rule 7.1(f.3.c), the Court deems Plaintiff's failure to
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                                                                          13cv1035

1 adequately oppose Defendants' motion as consent to granting it. In light of the foregoing, the

2 Court **GRANTS** Defendants' motion to dismiss **WITHOUT PREJUDICE.** (Doc. 8.)

3   **IT IS SO ORDERED.**

4 DATED: December 3, 2013

5 _____

    M. James Lorenz

6   United States District Court Judge

13cv1035