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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARTHA FLORES,
12 Plaintiff,
13 v.
14 TARGET CORPORATION, a Minnesota
15 Corporation dba "TARGET" and/or
16 "TARGET STORES" and DOES 1-20,
17 Defendants.

Case No.: 3:16-cv-03101-BEN-NLS

**ORDER GRANTING MOTION TO
DISMISS PLAINTIFF'S SEVENTH
AND EIGHTH CLAIMS FOR
RELIEF**

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19 Defendant Target Corporation ("Target") has moved to dismiss with prejudice
20 Plaintiff's seventh claim for relief for breach of written contract and eighth claim for
21 relief for breach of implied contract. (Doc. No. 5.) The Civil Local Rules required
22 Plaintiff to file an opposition or statement of non-opposition by January 30, 2017. That
23 deadline has passed, and Plaintiff has not filed an opposition or statement of non-
24 opposition.

25 Under Civil Local Rule 7.1.f.3.c, if a party fails to file an opposition or statement
26 of non-opposition by the required deadline, the Court may treat that failure as consent to
27 the granting of the motion. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
28 (affirming dismissal for failure to file opposition as required by local rule). On the basis

1 of this rule, the motion to dismiss is **GRANTED** and Plaintiff's seventh and eighth
2 claims for relief are **DISMISSED without prejudice**.¹

3 **IT IS SO ORDERED.**

4 Dated: February 27, 2017

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6 Hon. Roger T. Benitez
7 United States District Judge
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26 ¹ Defendant seeks a dismissal with prejudice. However, because the Court is granting
27 Defendant's motion on the basis of Plaintiff's failure to file an opposition or statement of
28 non-opposition, and is not adjudicating the merits, the Court dismisses the claims without
prejudice.