

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 Somphet Siphengphone,
12 Plaintiff,
13 v.
14 Wells Fargo Bank, N.A., et al.,
15 Defendants.
16

Case No.: 17-cv-02117-JAH-MDD

**ORDER GRANTING DEFENDANT
WELLS FARGO, N.A.’S MOTION
TO DISMISS**

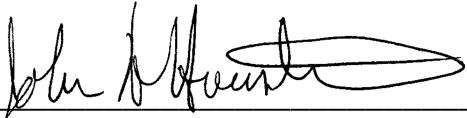
17 Pending before this Court is Defendant Wells Fargo Bank, N.A. (“Defendant” or
18 “Wells Fargo”) Motion to Dismiss with prejudice for failure to comply with the Court’s
19 order pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [Doc. No. 19]. On
20 April 30, 2018, this Court granted Defendant’s motion to dismiss Plaintiff Somphet
21 Siphengphone’s (“Plaintiff”) second amended complaint. See Doc. No. 18. Plaintiff was
22 permitted twenty-days (21) to file a third amended complaint. Id. Approximately twenty-
23 two weeks have passed and Plaintiff has not filed an amended complaint.

24 Accordingly, the Court **GRANTS** Defendants’ Motion to Dismiss Plaintiff’s
25 Complaint in its entirety with prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to
26 prosecute or to comply with these rules or a court order, a defendant may move to dismiss
27 the action or any claim against it.”); see Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir.
28 2005) (“If a plaintiff does not take advantage of the opportunity to fix his complaint, a

1 district court may convert the dismissal of the complaint into dismissal of the entire
2 action.”). Because this concludes the litigation in this matter, the Clerk of Court **SHALL**
3 close the file.

4 **IT IS SO ORDERED.**

5 DATED: October 2, 2018

6 
7 _____
8 JOHN A. HOUSTON
9 United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28