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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC,

Plaintiff,

v.

NO QUARTER, et al.,

Defendants.

2:10-CV-1022 JCM (GWF)

ORDER

Presently before the court is defendant’s motion to set aside default for failure to properly execute service (doc. #16) and motion to dismiss (doc. #18). This court granted the parties’ stipulation extending plaintiff’s time to respond to each motion to April 29, 2011. (Doc. #37). To date, plaintiff has failed to respond to either motion.

Pursuant to Local Rule 7-2(b), an opposing party’s failure to file a timely response to any motion constitutes the party’s consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

In light of the plaintiff’s failure to respond and weighing the factors identified in *Ghazali*, the court finds dismissal appropriate.

**James C. Mahan
U.S. District Judge**


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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to set aside default (doc. #16) is GRANTED;

IT IS FURTHER ORDERED that defendant's motion to dismiss (doc. #18) is hereby GRANTED without prejudice.

DATED May 17, 2011.


UNITED STATES DISTRICT JUDGE