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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF NEVADA**

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[JOSHUA A. MILLER], ELY J ADES,  
ATTORNEY-IN-FACT,

2:10-CV-1645 JCM (LRL)

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Plaintiff,

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v.

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CHASE and DOES 1-20,

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Defendants.

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**ORDER**

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Presently before the court is defendant JP Morgan's motion for judgment on the pleadings. (Doc. #9). Also before the court is defendant's motion to stay discovery and all other proceedings pending resolution of the motion for judgment on the pleadings. (Doc. #10).

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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) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

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A review of the docket indicates that as of December 23, 2010, the plaintiff has failed to respond to defendant's motion for judgment on the pleadings. Weighing the factors identified in

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1 *Ghazali*, the court finds dismissal is appropriate.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED defendant JPMorgan Chase  
4 Bank, N.A.'s motion for judgment on the pleadings (doc. #9) is GRANTED.

5 IT IS FURTHER ORDERED that the case is hereby dismissed.

6 DATED December 29, 2010.

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UNITED STATES DISTRICT JUDGE

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