

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDUARDO D. LIBRES, an individual,

Plaintiff,

v.

BANK OF AMERICA et al.,

Defendants.

2:11-CV-115 JCM (LRL)

ORDER

Presently before the court is defendants BAC Home Loans Servicing, LP’s (erroneously named in the complaint as Bank of America), Countrywide Home Loans, Inc.’s, Mortgage Electronic Registration Systems’ motion to dismiss plaintiff’s complaint. (Doc. #13). To date, the plaintiff has not responded.

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).

...

James C. Mahan
U.S. District Judge

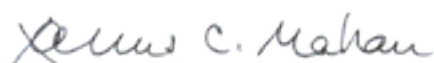
1 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,
2 the court finds dismissal appropriate.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
5 dismiss (doc. #13) is GRANTED. The case is hereby dismissed as to defendants BAC Home Loans
6 Servicing, LP (erroneously named in the complaint as Bank of America), Countrywide Home Loans,
7 Inc., and Mortgage Electronic Registration Systems, Inc.

8 DATED June 14, 2011.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


UNITED STATES DISTRICT JUDGE