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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:12-CV-389 JCM (PAL)

STEVEN ABOULAFIA,

Plaintiff,

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., et
al.,

Defendants.

ORDER

Presently before the court is defendants Mortgage Electronic Registration Systems, Inc., et al.’s motion to dismiss. (Doc. #10). Plaintiff Steven Aboulafia failed to file an opposition. On July 26, 2012, defendants filed a notice of non-opposition. (Doc. #11).

The property at issue in this case is located at 200 Kola Street, Henderson, Nevada. (Doc. #1, Ex. A). On October 22, 2004, Countrywide loaned plaintiff \$210,000, and secured the note with a deed of trust on the subject property. (Docs. #1, Ex. A, and #10, Ex. 1). Plaintiff defaulted on the loan on or about December 8, 2010. (Doc. #10, Ex. 3). To date, a trustee’s sale has not occurred.

Pursuant to Nevada Local Rule 7-2(d), “the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors

1 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the
2 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
3 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.


4 Plaintiff failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*
5 factors weigh in favor of dismissing the action. *Ghazali*, 46 F.3d at 53; *see also* LR 7-2(d).

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Mortgage
8 Electronic Registration Systems, Inc., et. al.'s motion to dismiss (doc. #10) be, and the same hereby
9 is, GRANTED.

10 DATED August 2, 2012.

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UNITED STATES DISTRICT JUDGE