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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ESTHER HERNANDEZ,  
  
Plaintiff(s),  
  
v.  
  
FLAGSTAR BANK, FSB,  
  
Defendant(s).

2:13-CV-556 JCM (NJK)

**ORDER**

Presently before the court is defendant Flagstar Bank, FSB’s motion to dismiss filed on April 1, 2013. (Doc. # 2).<sup>1</sup> To date, pro se plaintiff Esther Hernandez has failed to file an opposition.<sup>2</sup>

Pursuant to Local Rule 7-2(d), 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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<sup>1</sup> Defendant also filed a request for judicial notice (doc. # 3).

<sup>2</sup> Plaintiff had up to, and including, April 18, 2013, to respond.

