

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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| <p>KISHOR K. GIRI,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>HSBC BANK USA,</p> <p style="text-align: center;">Defendant.</p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p>2:14-cv-00901-RCJ-PAL</p> <p style="text-align: center;">ORDER</p> |
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This case arises out of a residential mortgage foreclosure. The Court previously dismissed, with leave to amend in part. The Court dismissed the claims under 50 U.S.C. app. § 533 and Nevada Revised Statutes sections 107.085–.086 without leave to amend. The Court dismissed the claim under 50 U.S.C. app. § 518(3) with leave to amend and gave Plaintiff twenty-eight days to: (1) amend to plead sufficient facts; and (2) reopen his bankruptcy case to avoid judicial estoppel on the claim. The Court noted that it would dismiss the remaining claim with prejudice upon Defendant’s motion if Plaintiff failed to comply. Plaintiff failed to comply, and Defendant has asked the Court to dismiss. Plaintiff has not timely opposed the motion. The Court therefore dismisses with prejudice for failure to state a claim, judicial estoppel, failure to comply with the court’s order, and failure to oppose. *See* Fed. R. Civ. P. 12(b)(6), 41(b); Local R. 7-2(d); *Ah Quin v. Cnty. of Kauai Dep’t of Transp.*, 733 F.3d 267, 271 (9th Cir. 2013).

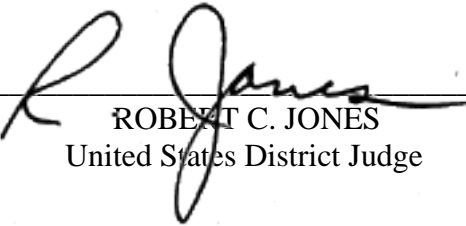
CONCLUSION

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 19) is GRANTED.

IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

IT IS SO ORDERED.

Dated this 8th day of April, 2015.



ROBERT C. JONES
United States District Judge