

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAMMY CARRANZA, et al.,)
)
Plaintiffs,)
vs.)
)
U.S. BANK NATIONAL ASSOCIATION, et)
al.,)
)
Defendants.)
_____)

Case No.: 2:15-cv-01471-GMN-CWH

ORDER

Pending before the Court is the Motion to Expunge the Lis Pendens, (ECF No. 37), filed by Defendant U.S. Bank National Association (“Defendant”). Upon a motion, the Court must dissolve a lis pendens if the recording party fails to demonstrate: (1) a likelihood of prevailing in the action; or (2) a fair chance of success and serious hardship that could result from a transfer of the property. Nev. Rev. Stat. 14.015(3); see also *Levinson v. Eighth Judicial Dist. Court*, 857 P.2d 18, 20-21 (Nev. 1993).

Here, Plaintiffs Sammy Carranza and Tera Carranza (collectively “Plaintiffs”) have failed to file a Response, and the deadline to do so has expired. Thus, pursuant to Local Rule 7-2(d), the Court finds that Plaintiffs have consented to the granting of the Motion. See D. Nev. R. 7-2(d) (“The failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.”). Moreover, the Court finds that expunction of the lis pendens is warranted because all of Plaintiffs’ claims have been dismissed with prejudice. See, e.g., *Wensley v. First Nat. Bank of Nevada*, 874 F. Supp. 2d 957, 968 (D. Nev. 2012) (expunging a lis pendens after dismissing a complaint with prejudice).

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Motion to Expunge the Lis Pendens, (ECF No.
3 37), is **GRANTED**.

4 **IT IS FURTHER ORDERED** that the notice of lis pendens filed and recorded by or on
5 behalf of Plaintiffs on the property located at 9264 Moose Country Place, Las Vegas, Nevada
6 89178 (APN 176-29-313-033) with the Clark County Recorder's Office as instrument number
7 201506150001774 is hereby cancelled and expunged.

8 **IT IS FURTHER ORDERED** that Defendant shall record a copy of this Order with the
9 Clark County Recorder's Office within seven (7) days of its issuance.

10 **IT IS FURTHER ORDERED** that pursuant to the Court's Order dismissing the
11 Complaint with prejudice, (ECF No. 32), the Clerk of Court is instructed to close the case.

12 **DATED** this 3 day of January, 2018.

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16 Gloria M. Navarro, Chief Judge
17 United States District Court
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