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**NOT FOR PUBLICATION**

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Mark G. Mangosing, Sr.,

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No. CV-09-0601-PHX-FJM

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Plaintiff,

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**ORDER**

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vs.

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Wells Fargo Bank, N.A.; et al.,

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Defendants.

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The court has before it defendant Wells Fargo Bank’s motion to dismiss (doc. 4), plaintiff’s response (doc. 11), and defendant’s reply (doc. 13).

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Plaintiff alleges in his complaint that defendants have an obligation under the Emergency Economic Stabilization Act (“EESA”) to renegotiate his mortgage. Among other things, plaintiff seeks an order compelling defendants to negotiate with plaintiff and to prohibit any foreclosure proceeding until negotiation has occurred. Defendant contends that the EESA has no application to this case. While the Act addresses “federal property managers” it does not apply to financial institutions. 12 U.S.C. § 5220(a). Moreover, there is no private right of action under the EESA.

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Plaintiff concedes that the EESA does not impose an obligation on the financial institutions to renegotiate his mortgage. Response at 1-2. Instead, he states that he is simply

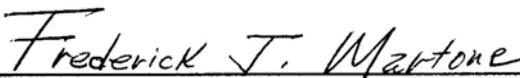
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1 asking the mortgage companies to “take twenty or thirty minutes to talk to him to see if  
2 something could be worked out.” Id. at 2. While we appreciate the challenges that plaintiff  
3 and many other similarly situated individuals face in this difficult economy, this lawsuit is  
4 not an appropriate avenue to resolve this problem. Plaintiff’s complaint fails to state a claim  
5 upon which relief can be granted and therefore it is dismissed in its entirety. Given the  
6 nature of this case, defendant’s request for attorney’s fees is denied.

7 We note that plaintiff’s pleadings and papers in this case bear the name of a legal  
8 document preparer under the Arizona Code of Administration, § 7-208, et seq. However, the  
9 practice of law in federal court is governed by LRCiv 83.1, which does not permit filings by  
10 anyone other than lawyers and pro se individuals. We hereby advise Rae Heimer, legal  
11 document preparer, that she may not prepare documents for filing in this court. Any further  
12 filings will result in a reference under CJA § 7-201(H) and monetary sanctions here.

13 **IT IS ORDERED GRANTING** defendant’s motion to dismiss (doc. 4).

14 DATED this 22<sup>nd</sup> day of May, 2009.

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 Frederick J. Martone  
19 United States District Judge  
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