

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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Case No.	2:13-cv-01814-CAS(JPRx)	Date	July 25, 2016
Title	KATHLEEN ANGEL EISENBERG V. CITIBANK N.A., ET AL.		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - PLAINTIFF’S MOTION FOR CLARIFICATION, RECONSIDERATION, AND/OR LEAVE TO AMEND (Dkt. 93, filed June 29, 2016)

On May 29, 2013, defendants filed a motion to dismiss plaintiff’s First Amended Complaint (“FAC”). Dkt. 25. On June 15, 2016, the Court granted in part and denied in part defendants’ motion to dismiss the FAC. Dkt. 89. To the extent the Court granted defendants’ motion, it did so without prejudice. *Id.* at 8. On June 29, 2016, plaintiff filed the instant motion for clarification and/or reconsideration. Dkt. 93.¹ In this motion, plaintiff requests that the Court clarify whether its dismissal of the FAC was with or without leave to amend. Alternatively, to the extent the Court did not grant leave to amend, plaintiff requests that the Court reconsider its ruling and grant plaintiff leave to file a Second Amended Complaint.

In dismissing the FAC, the Court intended to provide plaintiff with leave to file an amended complaint. Accordingly, the Court hereby grants plaintiff **thirty (30) days** in which to file an amended complaint addressing the deficiencies identified in the Court’s order dismissing the FAC. Failure to file an amended complaint within thirty days may result in dismissal of plaintiff’s claims with prejudice. In addition, plaintiff may not plead additional claims or add allegations that are not intended to cure the specific

¹ The Court finds this motion appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; C.D. Cal. Local Rule 7-15. Accordingly, the hearing date of August 1, 2016, is vacated, and the matter is hereby taken under submission.

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defects the Court has noted. In light of the foregoing, plaintiff's motion for clarification and/or reconsideration is **DENIED AS MOOT**.

IT IS SO ORDERED.

Initials of Preparer 00 : 00
CMJ