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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION**

GERARDO FLORES,
Plaintiff,
v.
FEDERAL HOME LOAN MORTGAGE
CORPORATION; J.P. MORGAN
CHASE BANK, N.A.; and DOES 1-10
inclusive,
Defendants.

Case No. 5:18-cv-01311 JVS (KKx)
ORDER OF DISMISSAL

DYKEMA GOSSETT LLP
333 SOUTH GRAND AVENUE
SUITE 2100
LOS ANGELES, CA 90071

1 Defendants JPMorgan Chase Bank, N.A. (“Chase”) and Federal Home Loan
2 Mortgage Corporation (“Federal”) (together “Defendants”) filed a motion to dismiss
3 Plaintiff Gerardo Flores’ (“Flores”) First Amended Complaint (“FAC”) for failure to
4 state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Mot., Docket No.
5 17. Flores filed an opposition. Opp’n, Docket No. 18. Defendants replied. Reply,
6 Docket No. 20.


7 On September 10, 2018, the Court dismissed Flores’ original Complaint for
8 failure to state a claim. Order, Docket No. 15. In that order, the Court found that all
9 three of Flores’ claims were facially time-barred by the statute of limitations, and that
10 Flores’ Complaint failed to plead sufficient facts to establish that the delayed
11 discovery rule or estoppel should apply to postpone the limitations period. *Id.* at 4-6.

12 **THE COURT FINDS** that the FAC is essentially identical to the original
13 Complaint. The FAC adds no new allegations that support a finding of delayed
14 discovery or estoppel. Compare Compl., Docket No. 1-2 ¶¶ 14-16, with FAC,
15 Docket No. 16 ¶¶ 14-16.

16 **THE COURT GRANTS DEFENDANTS’ MOTION TO DISMISS WITH**
17 **PREJUDICE, AND WITHOUT LEAVE TO AMEND.**

18 **IT IS SO ORDERED.**

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21 Dated: November 26, 2018


The Honorable James V. Selna
United States District Court Judge