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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILIP KOENIG,
Plaintiff,
v.
BANK OF AMERICA, N.A.,
Defendant.

Case No. 1:13-cv-0693-AWI-BAM

**ORDER GRANTING PLAINTIFF’S
MOTION FOR LEAVE FILE A FIRST
AMENDED COMPLAINT**

(Doc. 57)

**ORDER DENYING PLAINTIFF’S
MOTION FOR LEAVE TO OBJECT TO
MAGISTRATE’S ORDERS**

(Doc. 58)

**ORDER GRANTING PLAINTIFF’S
MOTION TO WITHDRAW HIS
OBJECTIONS.**

(Doc. 62).

THIRTY-DAY DEADLINE

Plaintiff Philip A. Koenig (“Plaintiff”), is proceeding *pro se*, in this mortgage-related case brought against Defendant Bank of America, N.A. (“Defendant”). Plaintiff brings three motions for the Court’s consideration stemming from the Court’s prior Order denying Plaintiff’s Motion for Leave to Add New Parties and Claims to his complaint. (Doc. 54). After denying Plaintiff’s

1 Motion for Leave, the Court ORDERED Plaintiff to file his First Amended Complaint on or
2 before January 9, 2015.

3 In the instant Motions, Plaintiff requests leave to file objections to this Court's December
4 10, 2014 Order denying Plaintiff's Motion to add new claims and parties and permission to file
5 his First Amended Complaint following a ruling on Plaintiff's objections. (Docs. 56, 57).¹ For
6 the reasons set forth below, Plaintiff's Motion for Leave to file objections is DENIED and
7 Plaintiff will have until April 8, 2015 to file an amended complaint which complies with the
8 Court's previous order on dismissal. (Docs. 24, 54).

9 A party may serve and file objections to a Magistrate Judge's non-dispositive pretrial
10 order within 14 days after being served with a copy. Fed. R. Civ. P. 72(a). Plaintiff was served
11 by mail with the order denying his motion for leave to amend on December 10, 2014, and any
12 objections were due on or before December 28, 2014. Plaintiff's request for an extension of time,
13 signed on January 9, 2015, is late, and Plaintiff has not explained why he was unable to request an
14 extension of time before the deadline to file his objections. Fed. R. Civ. P. 6(b)(1). Plaintiff's
15 report that he intended to file his motion for leave with his earlier objections, filed on January 5,
16 2015 does not establish excusable neglect for the late request. Plaintiff's strep throat also does
17 not constitute good cause for why Plaintiff could not request an extension of time to file his
18 objections. Plaintiff is familiar with the simple process of requesting a timely extension of time.
19 Indeed, Plaintiff's instant Motion for leave is a fourth attempt to obtain additional time to respond
20 to a Court order. Plaintiff's delay in this case has been ongoing and Plaintiff was previously
21 warned that the Court would not grant a further request for an extension of time unless good
22 cause is shown.

23 Plaintiff has not shown good cause to allow the late filed objections, but in an effort to be
24 particularly sensitive to the challenges faced by pro se litigants, the Court will grant a final
25 extension of time for Plaintiff to file his First Amended Complaint. The First Amended

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27 ¹ Presumably in an effort to clarify the docket, on January 26, 2015, Plaintiff filed a Motion to Withdraw his
28 initial objections, filed on January 5, 2015 (Doc. 62), to the Magistrate Judge's Order denying Plaintiff's Motion for
Leave to Amend his Complaint.

1 Complaint must be consistent with the Court's December 23, 2013 Order granting Plaintiff leave
2 to amend his second and third causes of action, only. (Doc. 24).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's Motion for an Extension of time to file the First Amended Complaint is
5 GRANTED. (Doc. 57). Plaintiff shall file his First Amended Complaint,
6 amending his second and third causes of action, only, on or before April 8, 2015;
7 no further extensions will be granted;
- 8 2. Plaintiff's Motion for Leave to File Objections to the Magistrate's Order Denying
9 Plaintiff's Motion for Leave to Add New Defendants, Factual Allegations and
10 Causes of Action is DENIED;
- 11 3. Plaintiff's Motion to Withdraw Plaintiff's Objections to the Magistrate's Order
12 Denying Plaintiff's Motion for Leave to Add New Defendants, Factual Allegations
13 and Causes of Action (Doc. 56) is GRANTED. (Doc. 62).
- 14 4. Failure to comply with this Order will result in a recommendation of dismissal of
15 this case.

16 IT IS SO ORDERED.

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18 Dated: March 6, 2015

/s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE
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