

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
5

6 **DELORES ARZAMENDI,**

7 **Plaintiff,**

8 **v.**

9 **WELLS FARGO BANK, N.A.,**

10 **Defendant.**  
11

**1:17-cv-01485-LJO-SKO**

**MEMORANDUM DECISION AND  
ORDER VACATING HEARING,  
GRANTING MOTION TO DISMISS,  
AND CLOSING CASE**

**(ECF No. 50)**

12  
13 This case concerns pro se Plaintiff Delores Arzamendi's case against Defendant Wells Fargo  
14 Bank, N.A. Plaintiff filed her complaint in the Superior Court of California in the County of Merced on  
15 October 3, 2017, ECF No. 1 at 9, and Defendant removed to this Court on November 2, 2017. *Id.* at 1-2.  
16 On March 8, 2018, the Court dismissed Plaintiff's complaint with leave to amend. ECF No. 21. Plaintiff  
17 filed a first amended complaint ("FAC") on April 4, 2018. ECF No. 22. The Court dismissed the FAC  
18 on June 29, 2018, granting Plaintiff a final opportunity to amend only as to her elder abuse claim within  
19 30 days. ECF No. 37. On August 6, 2018, the Court issued a judgment and order closing this case for  
20 failure to prosecute. ECF Nos. 43, 44. Plaintiff filed a motion for relief from judgment on October 24,  
21 2018. ECF No. 48. Based on Plaintiff's representations regarding recent medical issues, including  
22 hospitalization, and her pro se status, on November 15, 2018, the Court granted Plaintiff's motion for  
23 relief from judgment, reopened the case, and afforded her a final opportunity to file an amended  
24 complaint within 20 days, that is, on or before December 5, 2018. ECF No. 49. The Court cautioned  
25 Plaintiff that it would be her last chance, and that there would be no further extensions of time or

1 opportunities to amend. *Id.* at 4.

2 Plaintiff did not file an amended complaint within the deadlines set forth in the Court's  
3 November 15, 2018 order, or at all. On February 26, 2019, Defendant filed a motion to dismiss for  
4 failure to prosecute and failure to comply with the Court's order. ECF No. 50 at 3. The motion was set  
5 for hearing on March 26, 2019. *Id.* Pro se plaintiffs must comply with deadlines and other procedural  
6 requirements. *United States v. Merrill*, 746 F.2d 458, 465 (9th Cir. 1984) (citing *Faretta v. California*,  
7 422 U.S. 806, 834 n. 46 (1975)). Plaintiff has had numerous opportunities to file an amended complaint,  
8 and has not done so. The Court has had no communication from Plaintiff whatsoever over the three and  
9 a half months since her case was reopened on November 15, 2018. The Court has been extremely lenient  
10 in affording Plaintiff opportunities to state her claims. At this point, however, the interests of justice and  
11 fairness to Defendant require this case to come to an end.

12 The deadline for Plaintiff to file an opposition to the pending motion has now passed. *See* Local  
13 Rule 230(c). Therefore, Plaintiff may not be heard in opposition at the scheduled hearing date. *Id.*  
14 Accordingly, the Court VACATES the hearing and GRANTS Defendant's motion to dismiss. This case  
15 is DISMISSED for failure to prosecute and failure to obey the Court's orders. The Clerk of Court is  
16 directed to close this case.

17  
18 IT IS SO ORDERED.

19 Dated: March 21, 2019

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE