

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KWANZA GREEN,

Plaintiff,

No. CIV S-10-0242 MCE EFB PS

vs.

ALLIANCE TITLE; CMG MORTGAGE,
INC.; SELECT PORTFOLIO SERVICING,
INC.; NATIONAL DEFAULT SERVICING,
CORP.; and DOES 1 through 100, inclusive,

Defendants.

ORDER

_____ /
This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). Defendant Select Portfolio Servicing, Inc. and National Default Servicing Corp. removed the action pursuant from Solano County Superior Court on January 29, 2010 on the basis of federal question jurisdiction. Dckt. No. 1 (citing 28 U.S.C. §§ 1441(b), 1446(b), and 1331).

Presently scheduled for hearing on April 14, 2010 are (1) defendant Select Portfolio Servicing, Inc.'s motion to dismiss plaintiff's complaint, Dckt. No. 9; (2) defendant Select Portfolio Servicing, Inc.'s motion to expunge a lis pendens recorded by or on behalf of plaintiff, Dckt. No. 16; (3) plaintiff's motion to remand this action to state court and request for sanctions, Dckt. No. 19; (4) defendant CMG Mortgage, Inc.'s motion to dismiss plaintiff's complaint, Dckt.

1 No. 26; and (5) plaintiff's motion to add Angelo Webb as a co-plaintiff in this action and U.S.
2 Bank National Association as a co-defendant in this action, Dckt. No. 28.

3 On March 31, 2010, plaintiff filed a request for an enlargement of time to oppose the
4 motions to dismiss, to join additional defendants, and to file an amended complaint. Dckt. No.
5 33. Specifically, plaintiff requests that "the time for filing these documents be enlarged to
6 twenty days after this Court issues its order on the pending Motion to Remand." *Id.* at 2.

7 Plaintiff contends that as a pro se litigant, it has taken her "additional time to become familiar
8 with the legal process, procedures and legal right to claims and since becoming more aware of
9 such, would like an enlargement of time to assert the same." *Id.* at 1.

10 Defendants have not responded to plaintiff's motion for an enlargement of time.¹
11 Therefore, the hearing on all of the pending motions will be continued and plaintiff will be given
12 additional time to file an opposition to each of defendants' motions. However, because the court
13 will hear plaintiff's motion to remand at the same time that it hears defendants' motions, plaintiff
14 will not be given the specific enlargement of time that she requests. Additionally, because
15 plaintiff currently has a pending motion to join additional parties, plaintiff's request for
16 additional time to join parties is not yet ripe. Finally, because plaintiff has not filed a motion to
17 amend the complaint (other than to add the aforementioned parties), plaintiff's request for
18 additional time to amend the complaint (other than to add the aforementioned parties) is denied.

19 Accordingly, it is hereby ORDERED that:

20 1. Plaintiffs' motion for an enlargement of time to file oppositions to defendants'
21 motions, Dckt. No. 33, is granted.

22 2. All motions currently scheduled for hearing on April 14, 2010, Dckt. Nos. 9, 16, 19,
23 26, and 28, are continued to May 26, 2010 at 10:00 a.m. in Courtroom No. 24.

24
25 ¹ On April 7, 2010, defendant Select Portfolio Servicing, Inc. did file two notices regarding
26 plaintiff's failure to oppose its motion to dismiss and motion to expunge the lis pendens. Dckt. Nos.
34, 35.

1 3. On or before May 12, 2010, plaintiff shall file an opposition or a statement of non-
2 opposition to each of defendants' motions.

3 4. On or before May 19, 2010, defendants may file a reply to any opposition(s) filed by
4 plaintiff.

5 5. The status (pretrial scheduling) conference currently scheduled for June 2, 2010 is
6 continued to June 30, 2010 at 10:00 a.m. On or before June 16, 2010, the parties shall file status
7 reports, as outlined in this court's February 1, 2010 order setting the status (pretrial scheduling)
8 conference, Dckt. No. 5.

9 SO ORDERED.

10 DATED: April 8, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE