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

CHANDRA M. BELISO,

Plaintiff,

No. CIV S-10-2131 JAM GGH PS

vs.

WELLS FARGO BANK, N.A. dba as
AMERICA’S SERVICING COMPANY, et al.,

Defendants.

ORDER

_____ /

On December 30, 2010, plaintiff filed a motion for leave to amend the complaint. Already pending before the district court, however, are findings and recommendations, recommending that defendants’ motions to dismiss be granted and this action be dismissed. Plaintiff is not permitted to amend as of right more than twenty-one days after a motion to dismiss has been served. See Fed. R. Civ. P. 15(a). Furthermore, the record indicates that defendants were not served with the motion to amend.

Even were the undersigned to consider the motion, it has no merit. Plaintiff explains her need to amend by asserting that “[r]ecently it has been discovered that Mortgage companies and banks in their hast[e] to foreclose, have not been properly filing, recording and or submitting documents and declarations by its employees and fil[]ed hundreds of thousands of

1 “Motions” to avoid detection, similar to this case.” Plaintiff presents no allegations that such
2 actions were inflicted upon her. In order to proceed, plaintiff must have suffered an injury of a
3 legally protected interest which is concrete and particularized, not ‘conjectural’ or
4 ‘hypothetical.’” Washington Legal Foundation v. Legal Foundation of Washington, 271 F.3d
5 835, 847 (9th Cir. 2001) (en banc).

6 Finally, plaintiff has not asserted how this potential new claim creates federal
7 jurisdiction. In fact, none of the claims contained in the proposed amended complaint are based
8 on federal jurisdiction, but all are state law claims.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff’s December 30, 2010
10 motion for leave to amend, (dkt. # 26), is denied.

11 DATED: January 28, 2011

/s/ Gregory G. Hollows

U. S. MAGISTRATE JUDGE

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