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

CARLOS GONZALES,

Plaintiff,

No. CIV S-10-2143 KJM-EFB

vs.

BANK OF AMERICA, et al.,

Defendants.

ORDER

_____ /

The court is in receipt of pro se defendant Yeanina Oliva’s declaration, filed on December 2, 2011. (ECF 73.) In this declaration, Ms. Oliva essentially contends that plaintiff has brought his present suit in order to harass her and contends he has been harassing her in state court proceedings. In general, the court construes pro se filings liberally, *see Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010), and will accordingly analyze Ms. Oliva’s declaration as a motion to dismiss and to enjoin plaintiff in the state court proceedings.

Insofar as Ms. Oliva’s declaration can be construed as a motion to dismiss the present suit, it has been improperly noticed and will not be considered by the court. *See* Local Rule 230; *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (“Although we construe pleadings liberally in their favor, pro se litigants are bound by the rules of procedure.” (citing *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987))). Insofar as the declaration can be construed as a

1 motion to enjoin plaintiff in the state court proceedings, this would not be an appropriate
2 exercise of federal jurisdiction.

3 Accordingly, Ms. Oliva's motion to dismiss and for injunctive relief is denied.

4 IT IS SO ORDERED.

5 DATED: December 13, 2011.

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8 UNITED STATES DISTRICT JUDGE

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