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

MATHIAS ESOIMEME,

Plaintiff,

No. CIV S-10-2259 JAM EFB PS

vs.

WELLS FARGO BANK; NDEX WEST LLC;  
WORLD SAVINGS BANK; and DOES 1-100,  
inclusive,

Defendants.

ORDER

On September 1, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

Accordingly, IT IS ORDERED that:

1. The proposed Findings and Recommendations filed September 1, 2011, are ADOPTED;
2. Wells Fargo’s motion to dismiss, Dckt. No. 7, is granted;
3. Wells Fargo’s motion to strike, Dckt. No. 8, is denied;

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4. Plaintiff's complaint is dismissed in its entirety;

5. Plaintiff is granted thirty days from the date of this order to file an amended complaint, so long as he can cure the defects listed in the magistrate judge's findings and recommendations by truthfully alleging facts that are not inconsistent with those contained in his current complaint;

6. Plaintiff is admonished that, in any amended complaint, plaintiff must plead against which defendants he brings each cause of action and what each defendant did to support relief under each respective cause of action, and that the amended complaint must bear the docket number assigned to this case and must be labeled "Amended Complaint"; and

7. Plaintiff is warned that failure to timely file an amended complaint in accordance with this order will result in a recommendation by the assigned magistrate judge that this action be dismissed.

DATED: November 10, 2011

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE