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

ARNEL FRANCISCO and  
JANETH FRANCISCO,

Plaintiffs,

No. CIV S-10-2594 JAM DAD PS

v.

GREENPOINT MORTGAGE  
FUNDING, INC.; OLD REPUBLIC  
TITLE COMPANY; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; LANDMARK  
HOMES REALTY,

Defendants.

ORDER

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This matter came before the court on November 19, 2010, for hearing of the properly noticed motion to dismiss filed by defendant Old Republic Title Company. William S. Choy, Esq. appeared for the moving defendant. Plaintiff Arnel Francisco, proceeding pro se in this matter, appeared on his own behalf. No appearance was made by plaintiff Janeth Francisco, who is also proceeding pro se.

Plaintiff Arnel Francisco stated on the record that he and his wife do not object to the motion to dismiss brought by defendant Old Republic Title Company and are willing to dismiss the defendant. Plaintiff stated further that he and his wife do not object to the motion to

1 dismiss filed by defendant Landmark Homes Realty, which is set for hearing before the  
2 undersigned on December 17, 2010.

3           The court advised the plaintiff that a party proceeding pro se cannot represent  
4 another party proceeding pro se. See Local Rule 183. Each pro se party must make his or her  
5 own court appearances. In addition, all parties, including those proceeding pro se, are obligated  
6 to file either opposition or a statement of non-opposition to any motion properly filed by another  
7 party in the action. Documents presented to the court for filing must be signed by both of the pro  
8 se plaintiffs.

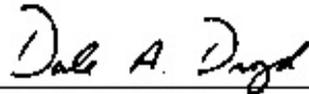
9           In light of the statements made in court by plaintiff Arnel Francisco, the  
10 undersigned granted plaintiffs three weeks in which to file a declaration signed by both of them  
11 in which they state that they voluntarily dismiss their claims against defendants Old Republic  
12 Title Company and Landmark Homes Realty. If no such dismissal is filed within three weeks,  
13 the motion currently set for hearing on December 17, 2010 will be dropped from the court's  
14 calendar and the undersigned will recommend that the assigned district judge grant both of the  
15 pending motions.

16           Plaintiff Arnel Francisco indicated to the court that he intends to litigate his  
17 claims against defendants Greenpoint Mortgage Funding, Inc. and Mortgage Electronic  
18 Registration Systems, Inc. Neither of these defendants has appeared in the action. The return of  
19 service filed by the plaintiffs on October 4, 2010 (Doc. No. 5) reflects that the summons and  
20 complaint were served by regular mail. Federal Rule of Civil Procedure 4, which governs service  
21 of the summons and complaint, does not authorize service of these documents by regular mail.  
22 Plaintiffs are cautioned that Rule 4(m) "provides that an action may be dismissed against any  
23 defendant on whom service of process has not been completed within 120 days from the date the  
24 complaint was filed."

25           IT IS ORDERED that plaintiffs are granted three weeks from November 19, 2010,  
26 to file a statement of voluntary dismissal of defendants Old Republic Title Company and

1 Landmark Homes Realty, if it is the wish of both plaintiffs to dismiss these defendants. A  
2 statement of voluntary dismissal must be signed by both plaintiffs. Failure to comply with this  
3 order will result in a recommendation that defendants' unopposed motions be granted.

4 DATED: November 22, 2010.

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8 DALE A. DROZD  
9 UNITED STATES MAGISTRATE JUDGE

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