

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNL Y R. BECKER, THE
BECKER TRUST DATED
MARCH 25, 1991,

NO. CIV. S-10-2799 LKK/KJN

Plaintiffs,

v.

O R D E R

WELLS FARGO BANK, N.A.,
WACHOVIA MORTGAGE
CORPORATION; DOES 1-20,

Defendants.

_____/

Plaintiff Denny Becker brings numerous claims arising out of several real property loans. On March 21, 2011, the magistrate judge issued an order and findings and recommendations on defendants Wells Fargo Bank, N.A. and Wachovia Mortgage Corporation's motions to dismiss and to strike. Specifically, the magistrate judge ordered that certain of plaintiff's claims be dismissed with leave to amend and recommended that certain other claims be dismissed with prejudice. The order and findings and recommendations contained standard language at its conclusion

1 concerning deadlines for filing objections to the findings and
2 recommendations. The magistrate judge further ordered plaintiff to
3 file an amended complaint within thirty (30) days. On March 30,
4 2011, plaintiff filed a document titled "Plaintiff's Objection to
5 Magistrates [sic] Judge's Findings and Recommendations," in which
6 he expressed his opposition to both the magistrate judge's order
7 and his findings and recommendations.

8 For the foregoing reasons, the court ORDERS as follows:

9 (1) In the interests of justice, the court shall construe
10 plaintiff's objections (Doc. No. 50) as both a motion
11 for reconsideration of the magistrate judge's order
12 (Doc. No. 49) and objections to the findings and
13 recommendations (Doc. No. 49). See L.R. 303, 304
14 available at [http://www.caed.uscourts.gov/caed](http://www.caed.uscourts.gov/caed/DOCUMENTS/localRules/EDCA%20Local%20Rules%20Effective%202.8.11.pdf)
15 [/DOCUMENTS/localRules/EDCA%20Local%20Rules%20Effective](http://www.caed.uscourts.gov/caed/DOCUMENTS/localRules/EDCA%20Local%20Rules%20Effective%202.8.11.pdf)
16 [%202.8.11.pdf](http://www.caed.uscourts.gov/caed/DOCUMENTS/localRules/EDCA%20Local%20Rules%20Effective%202.8.11.pdf).

17 (2) Defendants shall file an opposition to plaintiff's so-
18 construed motion for reconsideration within fourteen
19 (14) days of the issuance of this order. Plaintiff may
20 file a reply within (7) days of the issuance of this
21 order.¹

22 (3) The deadline to file a second amended complaint is


23
24 ¹ This briefing schedule shall only apply to plaintiff's
25 arguments concerning the magistrate judge's order, and not his
26 findings and recommendations. Defendants have already filed a
response to the findings and recommendations in which they
explained that the magistrate judge reached the proper conclusions.
(Doc. No. 51)

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

VACATED. The court will address deadlines to file amendments, if any, when briefing is complete for both the construed motion for reconsideration and the findings and recommendations.

IT IS SO ORDERED.

DATED: April 20, 2011


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT