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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID L. BRINK,
Plaintiff,
v.
ALTERNATIVE LOAN TRUST 2006-
39CB; BANK OF NEW YORK MELLON,
Defendants.

No. 2:13-cv-0862 LKK DAD PS

ORDER

Plaintiff David Brink, proceeding pro se, commenced this action on May 2, 2013, by filing a complaint and paying the required filing fee. On September 3, 2013, the court issued an order continuing the previously set Status (Pretrial Scheduling) Conference to November 8, 2013. (Doc. No. 11.) On November 1, 2013, however, defendants filed a status report stating that defendants intend to file a motion to dismiss this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on November 6, 2013. (Doc. No. 17). Therefore, the November 8, 2013 Status (Pretrial Scheduling) Conference will be vacated as premature.¹

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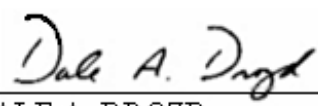
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¹ In the event that defendants fail to file the anticipated motion to dismiss, the court will reset the Status (Pretrial Scheduling) Conference.

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Accordingly, IT IS ORDERED that the November 8, 2013 Status (Pretrial Scheduling) Conference is vacated.

Dated: November 5, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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