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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAY PALMA,
Plaintiff,
v.
SELECT PORTFOLIO SERVICINGS,
INC., et al.,
Defendants.

No. 2:16-cv-0633 KJM CKD PS

ORDER

Defendants’ ex parte application for motion to expunge lis pendens is pending before the court. ECF No. 39. By order filed April 14, 2017, the real property claims were dismissed with prejudice. ECF No. 41. Under the provisions of the California Code of Civil Procedure 405 et seq.,¹ the notice is properly subject to expungement because the real property claims have been dismissed. See Cal. Code Civ. Proc. §405.32 (court shall order notice be expunged if claimant has not established by preponderance of the evidence the probable validity of the real property claim).

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¹ The title applies to action pending in any United States District Court. Cal. Code Civ. Proc. § 405.5.

1 By order filed April 14, 2017, this action was referred to the undersigned under Local
2 Rule 302(c)(21). ECF Nos. 38, 41. Under the scheduling order, non-expert discovery has closed.
3 ECF No. 34. Because the District Judge on April 14, 2017 granted defendants' motion to dismiss
4 with leave to amend within fourteen days, the court will extend the date for dispositive motions.
5 All other dates in the scheduling order shall remain the same.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Defendants' ex parte application for motion to expunge lis pendens (ECF No. 39) is
8 granted.
- 9 2. The notice of action pending against real property located at 12840 Riding Trail Drive,
10 Wilton, California 95693 recorded in the office of the County Recorder of Sacramento on March
11 10, 2016, at Book No. 20160310, Page 0709 is EXPUNGED, **so that neither the notice nor any**
12 **information derived from it shall constitute actual or constructive notice of any of the**
13 **matters contained, claimed, alleged, or contended in it or of any of the matters relating to**
14 **the action, or shall create a duty of inquiry in any person thereafter dealing with the**
15 **affected property.**

16 3. All law and motion except as to discovery is left open, save and except that it shall be
17 conducted so as to be completed by July 12, 2017. The word "completed" in this context means
18 that all law and motion matters must be heard by the above date. All other dates set forth in the
19 scheduling order (ECF No. 34) are confirmed. The Clerk of Court is directed to serve a copy of
20 the scheduling order on the plaintiff, proceeding in propria persona.

21 Dated: April 19, 2017

22 
23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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