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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK R. PETERS,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

No. 2:16-cv-0834 JAM AC (PS)

ORDER

Plaintiff is proceeding in this removed action pro se. The action was accordingly referred to the undersigned by E.D. Cal. R. (“Local Rule”) 302(c)(21).

I. WELLS FARGO BANK, N.A.

Pending before the undersigned are (1) the motion of Wells Fargo Bank, N.A. (“Wells Fargo”) to dismiss (ECF No. 3), and (2) plaintiff’s motion to remand the action for lack of jurisdiction (ECF No. 6). The parties were heard at oral argument on these motions on August 31, 2016. Plaintiff represented himself. Wells Fargo was represented by Melissa C. Shaw, Esq.

After the hearing, Wells Fargo filed an “Errata” to its Notice of Removal. ECF No. 24. The Errata explained that the original Notice “inadvertently omitted pages 23 and 24 of Exhibit A (Complaint).” ECF No. 24 at 1. The hearing on this matter was limited to whether Wells Fargo had shown that the court could exercise diversity jurisdiction, because the pages of the Complaint

1 that were included in the original Notice failed to show that the action met the \$75,000
2 jurisdictional minimum. See 28 U.S.C. § 1332(a).

3 The omitted pages, which are now included in the Errata, show that plaintiff seeks an
4 award of \$150,000 and “cancellation of the Note and Deed of Trust.” See ECF No. 25 at 27 ¶¶ 7,
5 8. Because the hearing did not address any remaining jurisdictional issues, or the merits of the
6 motion to dismiss, the matter will be re-set for further hearing.

7 II. AMERICA’S WHOLESALE LENDER

8 Defendant America’s Wholesale Lender (“AWL”) has filed a motion to dismiss, and
9 noticed it for hearing on October 19, 2016. ECF No. 27. Plaintiff has not responded to the
10 motion. The hearing will accordingly be continued, and plaintiff will be given another
11 opportunity to respond.

12 III. CONCLUSION

13 For the reasons set forth above, IT IS HEREBY ORDERED that:

14 1. A second hearing on Wells Fargo’s motion to dismiss (ECF No. 3) and plaintiff’s
15 motion to remand (ECF No. 6) is SET for November 9, 2016, at 10:00 a.m. For these motions,
16 the parties may rely on the briefs they have already filed. However, any party wishing to file
17 supplemental briefing, shall do so no later than October 26, 2016.

18 2. The October 19, 2016 hearing on AWL’s motion to dismiss (ECF No. 27) is
19 CONTINUED to November 9, 2016, at 10:00 a.m., before the undersigned. Plaintiff shall file his
20 Opposition, or Statement of Non-Opposition, to AWL’s motion no later than October 26, 2016,
21 and AWL shall file its Reply, if any, no later than November 2, 2016. Plaintiff is cautioned that
22 failure to respond to the motion in a timely manner may result in a recommendation that AWL be
23 dismissed from this lawsuit.

24 DATED: October 13, 2016

25 
26 ALLISON CLAIRE
27 UNITED STATES MAGISTRATE JUDGE
28