

United States District Court
For the Northern District of California

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

MITCHELL BOUYER, et al.,
Plaintiffs,
v.
INDYMAC FEDERAL BANK,
Defendant.

No. C-08-05582 EDL
ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE

The Court held a further case management conference in this case on May 19, 2008, in which Plaintiffs Mitchell Bouyer and Martha Bouyer appeared pro se. At the March 24, 2009 case management conference, the Court referred Plaintiffs to the pro se help desk. At that initial case management conference, the Court noted that Plaintiffs appeared to name the wrong Defendant, as the Federal Deposit Insurance Corporation is the Receiver of IndyMac Bank and the conservator of IndyMac Federal Bank.¹

Plaintiffs have yet to file an amended complaint against the proper party in this case. Plaintiffs filed a case management statement that attempts to change the name of the Defendant in this case, but as the Court noted at the case management conference, that filing does not meet the legal requirements of an amended complaint. Plaintiffs asked the Court what they needed to do to amend their complaint. The Court informed Plaintiffs that while they have a right to have their case heard by the Court, the Court could not give them legal advice. Instead, as previously instructed, Plaintiffs should make an appointment with the pro se help desk for assistance in amending and serving their complaint. Plaintiffs are also directed to the pro se handbook, which is available on the

¹ The FDIC had filed an ex parte special appearance to notify the Court of its receivership, which the Plaintiffs received. See Docket No. 11.

1 Court's website at www.cand.uscourts.gov.

2 At the further case management conference, Plaintiffs also showed the Court a document that
3 was not a pleading from this case, but was appeared to be from the FDIC. Plaintiffs asked the Court
4 if they could ignore the document, and the Court cautioned Plaintiffs not to ignore such
5 communications from the FDIC or others.

6 It is hereby ordered that Plaintiffs shall amend their complaint to add the proper party no
7 later than **June 18, 2009**. If Plaintiffs fail to do so, the Court may dismiss their case for failure to
8 prosecute.

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10 Dated: May 22, 2009

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge