

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 MARIA JIMENEZ,

No. C 09-0146 MEJ

12 Plaintiff(s),

13 vs.

**ORDER RE: PLAINTIFF'S OBJECTION
TO DEFENDANT'S MOTION TO
DISMISS**

14 HOMECOMINGS FINANCIAL LLC,

15 Defendant(s).
16 _____/

17
18 Pending before the Court is Defendant's Motion to Dismiss. (Dkt. #17.) On April 9, 2009,
19 Plaintiff filed an document entitled, "Plaintiff[s] Objection to Defendant's Motion to Dismiss,"
20 which is apparently her opposition to Defendant's motion. (Dkt. #22.) However, rather than make
21 any legal arguments, Plaintiff submits an amended complaint, which she argues contains "facts
22 sufficient for the Court to deny Defendant's motion." The Court finds this filing improper for the
23 following reasons.

24 On March 4, 2009, Plaintiff filed an Amended Complaint. (Dkt. #13.) Under Federal Rule
25 of Civil Procedure 15(a), a party may amend its pleading once "as a matter of course" at any time
26 before a responsive pleading is served. As Defendant had not filed an answer to Plaintiff's initial
27 complaint, the Court permitted Plaintiff's amended complaint, but instructed her "that no further
28 amendments to her complaint may be made without seeking leave of Court pursuant to Rule 15 and

Civil Local Rule 7." (Dkt. #14.) Thus, Plaintiff is not entitled to file a second amended complaint without permission, and the Court hereby STRIKES Plaintiff's second amended complaint from the record. Pursuant to Civil Local Rule 7, Plaintiff shall file an opposition to Defendant's motion by April 30, 2009. The May 21, 2009 hearing on Defendant's motion shall remain on calendar.

IT IS SO ORDERED.

Dated: April 14, 2009



MARIA ELENA JAMES
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MARIA C. JIMENEZ,

5 Plaintiff,

6 v.

7 HOMECOMINGS FINANCIAL et al,

8 Defendant.

Case Number: CV09-00146 MEJ

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on April 14, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

14 Maria Jimenez
15 5176 Grass Valley Way
16 Antioch, CA 94531

16 Dated: April 14, 2009

17 Richard W. Wieking, Clerk
18 By: Brenda Tolbert, Deputy Clerk
19
20
21
22
23
24
25
26
27
28