

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

MARK GONZALES,
Plaintiff,
v.
HOME SAVINGS OF AMERICA,
Defendant.

No. C -12-01987 EDL

**ORDER VACATING APRIL 11, 2013
CASE MANAGEMENT CONFERENCE
AND SETTING BRIEFING SCHEDULE**

Plaintiff filed this action in state court against financial institution Home Savings of America in connection with a residential mortgage loan, in which Plaintiff argues that he was misled by a mortgage broker to enter into a subprime mortgage. After Plaintiff filed his lawsuit, Home Savings entered receivership, and FDIC as Receiver removed this action on April 20, 2012.

In May 2012, the Court granted the FDIC’s request for a mandatory stay pursuant to the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), 12 U.S.C. § 1821. On November 19, 2012, the Court issued a further stay in this case because Plaintiff was participating in a trial loan modification program. On February 27, 2013, Plaintiff filed a status report stating that the attorney-client relationship had been terminated and that Plaintiff was attempting to exhaust the administrative claims process. On March 18, 2013, the Court granted Plaintiff’s counsel’s motion to withdraw. Plaintiff is now proceeding pro se.

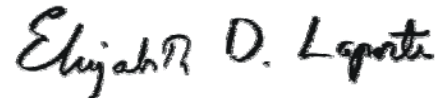
On March 19, 2013, the Court issued a notice setting a status conference for April 9, 2013, which was subsequently continued to April 11, 2013. On April 2, 2013, the FDIC filed a status conference statement, but Plaintiff did not file a statement. In its statement, the FDIC requests that the Court set a briefing schedule for a motion to dismiss based on failure to exhaust the administrative claims process and/or a motion to transfer to the District of Minnesota. Accordingly,

1 because there are no issues requiring the Court's attention at the status conference, the Court vacates
2 the April 11, 2013 status conference, and sets the following briefing schedule. The FDIC shall file
3 its motion to dismiss and/or motion to transfer no later than May 14, 2013. Pursuant to Civil Local
4 Rule 7-3(a), Plaintiff's opposition to Defendant's motion shall be filed and served no later than
5 fourteen days after the motion is filed. Defendant's reply is due no later than seven days after the
6 opposition is filed. Civil L.R. 7-3(c). A hearing on Defendant's motion is scheduled for June 18,
7 2013 at 9:00 a.m. in Courtroom E, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA.

8 Further, the Court has attempted to reach Plaintiff by telephone on numerous occasions
9 during the weeks of April 1 and April 8, 2013. Plaintiff's telephone message states that he is busy
10 and to call back later. Because Plaintiff is proceeding pro se in this matter, the Court may need to
11 contact him by telephone and so he should arrange, if possible, to have voicemail for the Court to
12 leave messages.

13 IT IS SO ORDERED.

14 Dated: April 10, 2013



ELIZABETH D. LAPORTE
United States Chief Magistrate Judge