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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**  
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10 PAUL A. JONES,

11 Plaintiff,

12 v.

13 WELLS FARGO BANK, N.A., and others,

14 Defendants.

Case No. 13-cv-00903 NC

**ORDER DENYING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT AFTER  
DISMISSAL WITH PREJUDICE**

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16 On May 29, 2013, the Court granted Wells Fargo's motion to dismiss Jones' first  
17 amended complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 22. The  
18 Court gave Jones until June 19, 2013 to amend his complaint to cure its deficiencies and  
19 warned that failure to amend would result in dismissal of his case with prejudice. *Id.* This  
20 deadline passed, and Jones did not amend his complaint. On July 23, 2013, the Court  
21 dismissed Jones' case with prejudice for the reasons set forth in the Court's May 29 order  
22 and ordered the Clerk to terminate the case. Dkt. No. 26.

23 On July 29, 2013, Jones filed a motion for leave to file a second amended complaint,  
24 attaching his proposed amendment. Dkt. No. 27. In this filing, Jones does not state why he  
25 failed to file his amendment within the twenty-one days the Court granted him. Jones also  
26 does not state any reason why he is entitled to relief from the Court's July 23 order.  
27 Accordingly, Jones' motion for leave to file a second amended complaint is DENIED.

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Case No. 13-cv-00903 NC  
ORDER DENYING MOTION FOR  
LEAVE TO AMEND COMPLAINT

1 If Jones wishes to set aside the Court's July 23 order, he must comply with the  
2 requirements of Federal Rule of Civil Procedure 60(b). Rule 60(b) allows relief from a  
3 final judgment or order due to (1) mistake, inadvertence, surprise, or excusable neglect;  
4 (2) newly discovered evidence that, with reasonable diligence, could not have been  
5 discovered in time; (3) fraud, misrepresentation, or misconduct by an opposing party;  
6 (4) where the judgment is void; (5) where the judgment has been satisfied, released or  
7 discharged; or it is based on an earlier judgment that has been reversed or vacated; or  
8 applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.  
9 Alternatively, Jones may appeal this Court's decision to the Ninth Circuit Court of Appeals.  
10 The Court's July 23 order dismissed all claims and terminated the case and is therefore "an  
11 order from which an appeal lies," under Federal Rule of Civil Procedure 54.

12 The Court reminds Jones that he may refer to the Court's Pro Se Handbook, available  
13 on the Court's website at <http://www.cand.uscourts.gov/prosehandbook>, or contact the  
14 Legal Help Center, which provides information and limited-scope legal advice to pro se  
15 litigants in civil cases. The Legal Help Center requires an appointment, which can be made  
16 by calling (415) 782-8982.

17 IT IS SO ORDERED.

18 Date: August 2, 2013

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Nathanael M. Cousins  
United States Magistrate Judge