

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN FRANCISCO DIVISION**
7

8 ALI POORSINA,
9 Plaintiffs,

10 v.

11 BANK OF AMERICA, N. A., et al.,
12 Defendants.

Case No. 23-cv-06644-PHK

**ORDER RE: "AMENDED
COMPLAINT"**

Re: Dkt. No. 30.

13
14 The Court previously dismissed pro se Plaintiff Ali Poorsina's Complaint with leave to
15 amend. [Dkt. 28]. On July 2, 2024, Plaintiff Poorsina filed a document entered in the docket as
16 "Amended Complaint." [Dkt. 30]. The full title of this document is "PLAINTIFF'S MOTION
17 LEAVE TO FILE AN AMENDED COMPLAINT FOR FAILING TO STATE A CLAIM
18 PURSUANT TO 28 U.S.C. §§ 1915(e)(2), 1915A(b)[.]" *Id.* However, this document is not an
19 Amended Complaint and does not conform to Fed. R. Civ. P. 8. Rather, after carefully reviewing
20 the document, this document is a motion or brief, because it presents legal citations and arguments
21 in an apparent attempt to discuss why an Amended Complaint could state a claim for relief and/or
22 why the Court's dismissal of the original Complaint was incorrect. *Id.*

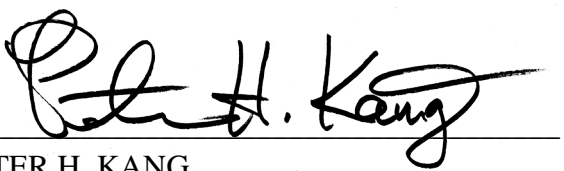
23 Accordingly, the Court construes Plaintiff Poorsina's "Amended Complaint" as a request to
24 file a motion for reconsideration pursuant to Local Rule 7-9(a), which requires the party to request
25 leave from the Court to file such a motion. The Court **DENIES** Plaintiff Poorsina's request to the
26 extent Plaintiff seeks reconsideration of the prior dismissal because Plaintiff Poorsina was already
27 given leave to file an amended complaint. [Dkt. 28]. The "Amended Complaint" is not a properly
28 presented Amended Complaint (if that was Plaintiff's intention). Plaintiff Poorsina is given **thirty**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(30) days from the date of this Order to file a properly presented and formatted amended complaint, pursuant to Federal Rules of Civil Procedure 7 and 8 (and the Local Rules of this Court), which alleges facts that would cure the deficiencies outlined in this Court’s pervious Order dismissing Plaintiff Poorsina’s initial complaint without prejudice. Failure to do so may result in dismissal of the case with prejudice. Plaintiff is reminded of the resources available to pro se litigants, identified by the Court in the previous dismissal Order.

IT IS SO ORDERED.

Dated: July 5, 2024



PETER H. KANG
United States Magistrate Judge