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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

THOMAS STEFAN,

Plaintiff,

vs.

WACHOVIA, WORLD SAVINGS, and DOES 1-50,

Defendants.

Case No: C 09-2252 SBA

ORDER

Docket 28

On December 7, 2009, the Court granted the motion to dismiss filed by Defendant Wachovia Mortgage, F.S.B., formerly known as World Savings Bank, F.S.B. The Court ruled that Plaintiff's state law causes of action were preempted by the Home Owners Loan Act ("HOLA"), 12 U.S.C. §§ 1461, *et seq.* and that his claim for violation of due process was not cognizable, as a matter of law. (Docket 27.) Plaintiff has submitted a letter purporting to indicate his intention to file first amended complaint, though he has not yet done so. Moreover, as set forth in the Court's order of dismissal, the claims alleged by Plaintiff failed to state a claim, and that any further amendment to such claims would be futile. Accordingly, liberally construing Plaintiff's letter as a request for leave to amend, such request is DENIED. However, this order does not preclude Plaintiff from seeking relief in state court to extent he is able to allege claims that are cognizable under state law and are not preempted by HOLA.

IT IS SO ORDERED.

Dated: December 8, 2009


SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THOMAS STEFAN,
Plaintiff,

v.

WACHOVIA WORLD SAVINGS et al,
Defendant.

_____ /

Case Number: CV09-02252 SBA

CERTIFICATE OF SERVICE

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

That on December 9, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Thomas Stefan
1528 McGee Street
Berkeley, CA 94703

Dated: December 9, 2009

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk