

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHYLLIS Y. MCGIHON,

Plaintiff,

No. C 12-5927 PJH

v.

**ORDER DISMISSING COMPLAINT**E\*TRADE WHOLESALE LENDING  
CORPORATION, et al.,Defendants.  
\_\_\_\_\_ /

Before the court are is a motion to dismiss the complaint in the above-entitled action, filed by Ally Financial Inc. Plaintiff Phyllis Y. McGihon did not file an opposition to the motion within the time allowed under Civil Local Rule 7-3. Because the complaint is completely incomprehensible – to the point that the court cannot ascertain the names or identities of the defendants, or the substance of the claims, if indeed there are any claims asserted – and because there is no discernable legal basis for the complaint, the court hereby GRANTS the motion and dismisses the complaint.

Although the court is of the opinion that re-pleading will not resolve the deficiencies in the complaint, the court will nonetheless allow plaintiff an opportunity to file an amended complaint. For that amended complaint to be successful, plaintiff must specify the defendants being sued and identify each defendant by official name; must allege separate causes of action; must state a constitutional or statutory basis for each cause of action; and must allege facts showing each defendant's personal involvement in the wrongful act

1 alleged in each cause of action. If plaintiff fails to file the amended complaint by February  
2 25, 2013, or if the amended complaint does not comply with the above instructions, the  
3 case will be dismissed with prejudice.

4 The February 27, 2013 hearing date is VACATED.

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6 **IT IS SO ORDERED.**

7 Dated: January 28, 2013



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PHYLLIS J. HAMILTON  
United States District Judge