

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEYHAN MOHANNA,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. [16-cv-01033-HSG](#)**ORDER DISMISSING CASE**

On June 9, 2016, Pro Se Plaintiff Keyhan Mohanna ("Plaintiff") filed a motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2). Dkt. No. 17. On March 14, 2017, the Court denied Plaintiff's motion for default judgment, largely because the Court found that Plaintiff's TILA rescission claim as pled was time-barred. *See* Dkt. No. 25 at 7.

When presented with an inadequately pled complaint, the Court may note deficiencies in the complaint on its own initiative and *sua sponte* dismiss it for failure to state a claim under FRCP 12(b)(6). *See Wong v. Bell*, 642 F.2d 359, 361 (9th Cir. 1981). Generally, the Court must give prior notice of its intention to dismiss and allow Plaintiff an opportunity to oppose the dismissal, unless the Plaintiff "cannot possibly win relief." *Id.* at 362. On April 21, 2017, the Court thus ordered Plaintiff to show cause why this case should not be dismissed as time-barred. Dkt. No. 26. However, the order was returned to the Court as undeliverable on May 16, 2017, and the Court has received no further communication from Plaintiff indicating a current address. Dkt. No. 27.

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Accordingly, pursuant to Civil Local Rule 3-11(b), the Court dismisses this action without prejudice. The clerk is directed to close the case.

IT IS SO ORDERED.

Dated: 8/31/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge