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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 Andrea Lockwood,

NO. C 00-20368 JW

11 Plaintiff,

**ORDER STRIKING PLAINTIFF'S
PROPOSED COMPLAINT FROM THE
DOCKET**

12 v.

13 Juan Otero, et al.,

14 Defendants.
_____ /

15 Presently before the Court is a document filed by Plaintiff, proceeding in *pro se*, entitled,
16 "Proposed Complaint." (See Docket Item No. 58.) Plaintiff originally filed this case on April 4,
17 2000. (See Docket Item No. 1.) On November 20, 2000, Plaintiff filed a First Amended Complaint.
18 (See Docket Item No. 8.) On March 20, 2001, the Court granted various motions to dismiss each of
19 Plaintiff's claims. (See Docket Item No. 50.) In dismissing Plaintiff's First Amended Complaint,
20 the Court granted partial leave to amend, limiting her future pleadings to her Americans with
21 Disabilities Act claim. (*Id.*)

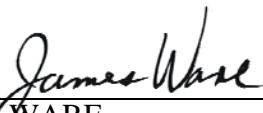
22 Plaintiff filed two separate appeals of the Court's dismissal Order. (See Docket Item Nos.
23 52, 54.) The Ninth Circuit dismissed both of Plaintiff's appeals on May 22 and June 13, 2001,
24 respectively, on the ground that it lacked jurisdiction because the orders challenged by Plaintiff were
25 not final or appealable. (See Docket Item Nos. 55, 56.) Following her appeals, Plaintiff took no
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1 action until filing her Proposed Complaint on July 2, 2008. The Court construes Plaintiff's Proposed
2 Complaint as an attempt to amend her 2000 Complaint pursuant to the Court's dismissal Order.¹

3 When the Court dismissed Plaintiff's Complaint, the Court specifically allowed Plaintiff the
4 opportunity to file an amended pleading to correct the deficiencies of pleading identified by the
5 Court. Plaintiff failed to do so. Instead, Plaintiff elected to file her appeals. Although the Court did
6 not specify a deadline for Plaintiff to file her amended complaint, the Court now finds that an eight
7 year delay is untimely. Further, the Court finds that allowing Plaintiff to proceed on an amended
8 complaint after such significant delay would substantially prejudice Defendants. If Plaintiff wishes
9 to pursue any valid claims she may have, she must file a new law suit and properly serve
10 Defendants.

11 Accordingly, the Court ORDERS Plaintiff's Proposed Complaint stricken from the docket.

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13 Dated: January 16, 2009



JAMES WARE
United States District Judge

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28 ¹ It does not appear that Plaintiff has served the Proposed Complaint on any Defendants.

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

George Paul Parisotto gparisotto@dir.ca.gov
Maureen A. Folan mfolan@ndkylaw.com

Andrea B. Lockwood
110 Santa Ana Road
Hollister, CA 95023

Dated: January 16, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy