

1  
2  
3  
4  
5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 SEEMA KHAN,

NO. 5:10-cv-04305-EJD

11 Plaintiff(s),

**ORDER DENYING REQUEST TO  
ENLARGE TIME AND DISMISSING CASE  
WITHOUT PREJUDICE**

12 v.

13 WORLD SAVINGS BANK, FSB.,

14 Defendant(s).  
\_\_\_\_\_ /

15  
16 Presently before the Court is Plaintiff's Motion to Enlarge Time to file an amended  
17 complaint, as well as Plaintiff's request the Court "grant a stay in this case due to the ongoing and  
18 active" bankruptcy proceedings involving Plaintiff. See Docket Item No. 25.

19 On January 14, 2011, the Court dismissed Plaintiff's complaint, having determined Plaintiff  
20 failed to state a claim. See Docket Item No. 16. The Court gave Plaintiff thirty days to file an  
21 amended complaint. Before the thirty-day period expired, Plaintiff filed a motion to extend the time  
22 to amend wherein she stated she was seeking new counsel as her prior attorney had ceased  
23 communications with her. See Docket Item No. 18. The Court granted Plaintiff's request and  
24 extended the deadline to March 28, 2011. See Docket Item No. 20. Thereafter, Plaintiff filed  
25 another extension request on March 28, 2011, stating she would retain new counsel on April 5,  
26 2011. See Docket Item No. 22. The Court again granted Plaintiff's request and extended the  
27 deadline to April 28, 2011, but cautioned that "no further extensions will be granted." See Docket  
28 Item No. 21.

1 In a motion consisting of only one sentence, Plaintiff now seeks a further extension of time  
2 to file an amended complaint despite the Court's specific warning that none would be granted.  
3 Plaintiff means to suggest from the bankruptcy reference that she has been distracted from this case,  
4 but has not included any materials to support this suggestion. Moreover, Plaintiff still has not  
5 retained a new attorney even though she stated in her prior request she would retain one imminently.  
6 In short, it appears Plaintiff has done little to progress this case since January 11, 2011, and has not  
7 demonstrated why, in over three months, she could not comply with the Court's order to amend her  
8 complaint. Considering nothing has been accomplished by the prior extensions, allowing yet  
9 another will do nothing more than cause further delay. That being the case, another extension is  
10 unwarranted.

11 Regarding Plaintiff's request for a stay, the Court notes the automatic stay provisions of 11  
12 U.S.C. §362 do not apply here. Further, the Court finds no good cause to stay this case to the extent  
13 Plaintiff seeks to invoke this Court's inherent power to do so.

14 In light of the discussion above, Plaintiff's request to enlarge time is DENIED. In addition,  
15 her request for a stay of this case is DENIED. Pursuant to the Court's prior order (see Docket Item  
16 No. 21) as well as Defendant's request (see Docket Item No. 26), this case is DISMISSED  
17 WITHOUT PREJUDICE. Fed. R. Civ. P. 41(b). The Clerk shall close this file.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 2, 2011

  
EDWARD J. DAVILA  
United States District Judge

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

2 Wendell Jamon Jones wjjones@hightechlawyer.net  
3 Jeremy E Shulman jshulman@afrc.com

4 **Dated: May 2, 2011**

**Richard W. Wieking, Clerk**

5 **By: /s/ EJD Chambers**  
6 **Elizabeth Garcia**  
7 **Courtroom Deputy**

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28