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**** E-filed January 21, 2011 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CESAR PAGADUAN, No. C10-05229 HRL
Plaintiff,
v. **ORDER (1) DIRECTING PLAINTIFF
TO FILE AMENDED COMPLAINT
AND (2) VACATING INITIAL CASE
MANAGEMENT CONFERENCE**
COUNTRYWIDE BANK, N.A., et al.,
Defendants. **[Re: Docket No. 1]**

On November 18, 2010, this case was initiated by the filing of a complaint, apparently on behalf of *pro se* plaintiff Cesar Pagaduan (“Pagaduan”). Docket No. 1 (“Complaint”). The only parties named in the complaint are Pagaduan, in *pro per*, and defendants Countrywide Bank, N.A., Alliance Title Company, an Unknown Mortgage Broker, Mortgage Electronic Registration Systems, Inc., and Does 1-10. Complaint, ¶¶ 1-12. Although Pagaduan is the only plaintiff named or mentioned in the complaint, the signature line at the end of the complaint lists both Rachael Licuanan (“Licuanan”) and Pagaduan, and the complaint is signed only by Licuanan. Complaint at 28.

Pursuant to Federal Rule of Civil Procedure 11, every pleading must be signed by a party personally if that party is not represented by counsel. FED. R. CIV. P. 11(a). If not, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” *Id.*

United States District Court
For the Northern District of California


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Accordingly, the Court directs the litigants in this case to file, within 30 days from the date of this order, an amended complaint that (1) identifies the proper plaintiff or plaintiffs and (2) bears the authentic signature of any and all named plaintiffs. If an amended complaint is not filed within this period, the Court will strike the complaint for failure to comply with Rule 11.

In addition, in light of the defective complaint, the initial case management conference, currently set for January 25, 2011, is VACATED.

IT IS SO ORDERED.

Dated: January 21, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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C10-04595 HRL Notice will be electronically mailed to:

Notice will provided by other means to:

Cesar Pagaduan
2102 Nottoway Avenue
San Jose, CA 95113

Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.