

1 **** E-filed February 23, 2011 ****

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7 NOT FOR CITATION
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 CESAR PAGADUAN,

No. C10-5229 HRL

12 Plaintiff,

ORDER DISMISSING CASE

13 v.

[Re: Docket No. 7]

14 COUNTRYWIDE BANK, N.A., et al.,

15 Defendants.
_____ /

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

23 On January 21, 2001, this Court ordered the litigants in this to file, by February 21, 2011, an
24 amended complaint that (1) identifies the proper plaintiff or plaintiffs and (2) bears the authentic
25 signature of any and all named plaintiffs. Docket No. 7 at 2. The Court noted that failure to file an
26 amended complaint would result in the Court striking the Complaint for failure to comply with
27 Federal Rule of Civil Procedure 11. *Id.*

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No amended complaint has been filed and the deadline for doing so has passed.
Accordingly, the Court STRIKES the Complaint and DISMISSES this action without prejudice.

IT IS SO ORDERED.

Dated: February 23, 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.