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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SHAMELLE R. MORRIS,	)	Civil No. 08cv203-L (RBB)
Plaintiff,	)	<b>ORDER GRANTING MOTION TO DISMISS [doc. #4]; DENYING MOTION FOR MORE DEFINITE STATEMENT AS MOOT; and GRANTING LEAVE TO FILE AN AMENDED COMPLAINT</b>
v.	)	
HOMEcomings FINANCIAL, LLC,	)	
Defendant.	)	
_____	)	

Defendant Homecomings Financial, LLC’s moves to dismiss the above-captioned complaint or alternatively, for a more definite statement. [doc. #4]. The Court takes judicial notice that plaintiff previously filed a complaint in this Court, *Morris v. Homecomings Financial LLC, Wachovia Dealer Services*, 07cv2122 L (NLS), that although not identical, appears to be duplicative of the present case. The Court also notes that plaintiff, who is appearing *pro se*, neither filed an opposition to defendant’s motion to dismiss or for a more definite statement, nor sought an extension of time in which to respond to the motion. Civil Local Rule 7.1.f.3 provides that “[i]f an opposing party fails to file the papers in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or other request for ruling by the court.”


Because of plaintiff’s failure to file a response in opposition to defendant’s motion and the duplicative nature of this complaint with plaintiff’s previously filed complaint, the Court

1 grants defendants' motion to dismiss on the same grounds set forth in the Court's August 4, 2008  
2 Order in 07cv2122. Specifically, the Court finds the present complaint fails to meet the pleading  
3 standard of Federal Rule of Civil Procedure 8. Plaintiff's complaint is almost unintelligible and  
4 fails to give defendant notice of the claims she attempts to allege. Further, plaintiff cannot state  
5 a claim against defendant of a criminal nature. Any civil claims plaintiff may have against  
6 defendant must allege sufficient facts to support a legally available cause of action. Plaintiff has  
7 failed to do so. Finally, plaintiff may file an amended complaint to allege civil causes of action.  
8 But any and all amended claims against defendant are required to be filed in plaintiff's lower-  
9 numbered case, *i.e.*, 07cv2122 L(NLS),

10 Based on the foregoing, defendants' motion to dismiss is **GRANTED** and the alternative  
11 motion for more definite statement is **DENIED** as moot. Because plaintiff must file all claims  
12 against defendant in the 07cv2122 L(NLS) action, the Clerk of the Court is directed to close this  
13 case.

14 **IT IS SO ORDERED.**

15 DATED: September 2, 2008

16   
17 M. James Lorenz  
18 United States District Court Judge

19 COPY TO:

20 HON. NITA L. STORMES  
21 UNITED STATES MAGISTRATE JUDGE

22 ALL PARTIES/COUNSEL  
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