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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BERHANU JACOB,

vs.

COUNTRYWIDE HOME LENDER, et al.,

Plaintiff,

Defendants.

CASE NO. 08cv2303 BTM(JMA)

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT WITHOUT
PREJUDICE IN LIGHT OF
AMENDED COMPLAINT; ORDER
DISMISSING AMENDED
COMPLAINT FOR FAILURE TO
STATE A CLAIM**

On August 10, 2009, Plaintiff, proceeding pro se, filed a motion for summary judgment. On August 25, 2009, the Court received from Plaintiff an Amended Complaint which appears to state different claims than the original Complaint. In light of the Amended Complaint, the Court **DENIES** the pending motion for summary judgment without prejudice. Furthermore, the Court **DISMISSES** Plaintiff's Amended Complaint for failure to state a claim. The Amended Complaint is largely incomprehensible and does not provide the Court with any idea of what Plaintiff claims each defendant did to violate his rights under federal law and/or state law.

The Court grants Plaintiff leave to file a Second Amended Complaint correcting the deficiencies noted above. The Second Amended Complaint must clearly and concisely describe what law(s) each defendant allegedly violated, what the defendant did to violate the law, how Plaintiff was harmed by the defendant(s) actions, and what relief Plaintiff claims he

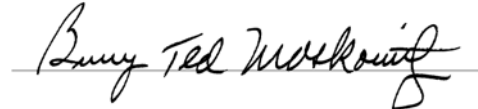
1 is entitled to. The Second Amended Complaint must be filed on or before **September 28,**
2 **2009.** Failure to do so will result in the closing of this case.

3 **IT IS SO ORDERED.**

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5 DATED: August 27, 2009

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Honorable Barry Ted Moskowitz
United States District Judge

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