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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 PERLITA NEWMAN, and GEORGE
12 NEWMAN,
13 Plaintiffs,
14 v.
15 CALIBER HOME LOANS, INC. et al.,
16 Defendants.

Case No.: 16-CV-2053-JLS (NLS)

**ORDER DENYING MOTION FOR
ORDER**

(ECF No. 16)

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18 On May 10, 2018, the Court dismissed Plaintiffs’ First Amended Complaint. (ECF
19 No. 15.) The Court found that Plaintiffs had not established that subject matter jurisdiction
20 exists over this case nor have they proven that this Court has personal jurisdiction over
21 Defendants. (*Id.* at 3–4.) The Court permitted Plaintiffs an opportunity to file a second
22 amended complaint. The Court informed Plaintiffs that they were to detail the “specific
23 laws that Plaintiffs allege Defendants violated. The Complaint must also detail why this
24 Court has subject matter jurisdiction over this matter and personal jurisdiction over
25 Defendants.” (*Id.* at 4.)

26 Plaintiffs have filed a document titled “Proposed order, that the dismissal and case
27 closing, or 4/9/2018 be set aside, and the complaint re-opened, for the reasons set out
28 below, and the Defendant ordered, to retract the false filings, or a foreclosure, with the

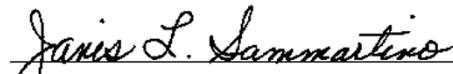
1 three credit agencies.” (ECF No. 16.) This document cannot be construed as a second
2 amended complaint. It does not provide any basis for jurisdiction, as the Court requested,
3 but only details Plaintiffs’ allegation that their property has not been foreclosed upon, that
4 Defendant is aware of this lawsuit, and again generally states that Defendants have violated
5 “both Federal and State laws[] concerning real property foreclosures.” (*Id.* at 2.)

6 The Court again reminds Plaintiffs that they do not have an operative complaint in
7 front of this Court. Plaintiffs must file an amended complaint. Without one, the Court will
8 not reopen this case. The Court **DENIES** Plaintiffs’ Motion. As the Court previously
9 ordered:

10 Plaintiffs **SHALL** file a second amended complaint on or before June 25, 2018. If
11 Plaintiffs file a second amended complaint, their case will be reopened. The Court will
12 again screen Plaintiffs’ Complaint and will direct the U.S. Marshals to serve the Complaint
13 if it passes screening. *If Plaintiffs fail to file a second amended complaint by this date,*
14 *their case will remain closed.*

15 **IT IS SO ORDERED.**

16 Dated: May 24, 2018

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18 Hon. Janis L. Sammartino
19 United States District Judge
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