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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT WILDE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

FLAGSTAR BANK FSB., et al.,

Defendants.

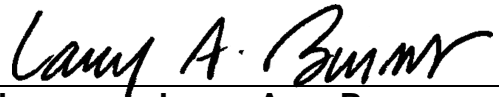
CASE NO. 18cv1370-LAB (BGS)

**ORDER DENYING MOTION TO
AMEND JUDGMENT [Dkt. 24]**

In March, this Court dismissed with prejudice Robert Wilde’s claims against Defendant Flagstar Bank on the basis that he failed to comply with his loan’s notice-and-cure provision prior to filing suit. Wilde now asks the Court to amend the judgment to a dismissal without prejudice, arguing that he has since complied with the loan’s notice-and-cure provision. In the Ninth Circuit, a motion to alter or amend a judgment under Rule 59(e) is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Wood v. Ryan*, 759 F.3d 1117, 1121 (9th Cir. 2014). A district court may grant a Rule 59(e) motion if it “is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *Id.* (emphasis in original). Wilde hasn’t shown that any of those reasons are present here, so his motion to amend the judgment is **DENIED**. Dkt. 24.

IT IS SO ORDERED.

Dated: May 7, 2019



HONORABLE LARRY ALAN BURNS
Chief United States District Judge