

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STEVEN L. BRENNER,)	CIVIL NO. 10-00113 SOM/BMK
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	AMENDED COMPLAINT TO STAY
vs.)	(ECF No. 70) & ORDER OF
)	DISMISSAL
INDYMAC BANK, F.S.B.;)	
ONE WEST BANK, F.S.B.; <u>et al.</u> ,)	
)	
Defendants.)	
_____)	
)	

ORDER DENYING PLAINTIFF'S AMENDED
COMPLAINT TO STAY (ECF No. 50) & ORDER OF DISMISSAL

The court dismisses this case because Plaintiff Steven L. Brenner has repeatedly failed to follow instructions. Most recently, Brenner has failed to file a motion for leave to file an amended complaint with his proposed amended complaint.

On December 29, 2010, the court granted Brenner's request for additional time to submit a proposed amended complaint. The court stated: "Plaintiff shall file a motion for leave to file an amended complaint, with his proposed amended complaint attached to that motion, no later than January 12, 2011. Failure to meet this deadline will result in judgment being automatically entered against Plaintiff." See Minute Order, ECF No. 69. On January 12, 2011, Brenner filed only a proposed amended complaint, without a motion for leave to file an amended complaint. See Am. Compl., ECF No. 70. Because Brenner

has not filed the necessary motion, the court enters judgment against him.

Throughout this case, Brenner has repeatedly failed to follow instructions. On November 9, 2010, the court granted summary judgment in favor of Defendants, but allowed Brenner to file an amended complaint by December 8, 2010, so as not to prejudice Brenner who is proceeding pro se. Instead, Brenner filed two documents, which the court construed as reconsideration motions. See ECF Nos. 54 & 61. The court denied both motions and extended Brenner's deadline to file an amended complaint even though Brenner had not asked for an extension.

Brenner's amended complaint repeats many of the same deficiencies found in his original complaint, but the court need not consider that, as Brenner was not allowed to simply file an amended complaint.

The court dismisses this action, and the Clerk of Court is directed to close the file.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 13, 2011



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Brenner v. IndyMac Bank, F.S.B; One West Bank, F.S.B. et al., Civ. No. 10-00113 SOM/BMK; ORDER DISMISSING PLAINTIFF'S AMENDED COMPLAINT TO STAY (ECF NO. 70) & ORDER OF DISMISSAL.