

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Aragon v. DZR Group Inc.

Aragon · No. 25-cv-0264-AGS-BLM · Decided May 20, 2025

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Daniel
ARAGON, Case No.: 25-cv-0264-AGS-BLM 4 Plaintiff, ORDER DISCHARGING ORDER TO
SHOW CAUSE (ECF 5), DISMISSING 5 v. COMPLAINT (ECF 6), AND 6 DZR GROUP INC.,
et al., GRANTING FURTHER LEAVE TO AMEND 7 Defendants. 8 9 Plaintiff Daniel Aragon
initially brought 10 causes of action arising out of 10 defendant’s alleged debt-collection practices.

(See generally ECF 1.) The Court screened 11 Aragon’s complaint and dismissed only the claims
based on purported continued debt 12 collection without verification. (See ECF 4, at 5, 8); see
also 15 U.S.C. § 1692g(b); Cal. 13 Civ. Code § 1788.52(c). “All other claims survive[d]
screening.” (Id. at 8.) Aragon was 14 granted leave to amend the dismissed claims “by May 8,
2025.” (Id.)

On May 19, 2025, it 15 appeared that no amended complaint had been filed, so this Court ordered
Aragon “to show 16 cause in writing why this case should not be dismissed without prejudice for
failure to 17 prosecute.” (ECF 5.) 18 Unbeknownst to the Court, Aragon filed an amended
complaint on May 16, 2025, 19 that did not appear on the docket until after the order to show
cause issued.

(See ECF 6.) 20 Thus, the order to show cause is discharged. But the new complaint still has
problems. 21 “[A]n amended pleading supersedes the original.” *Hal Roach Studios, Inc. v. 22*
Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir. 1989). So, an amended complaint 23 “must
be complete in itself without reference to the superseded pleading.” CivLR 15.1(a).

24 Aragon’s amended complaint contains only one claim: failure to “cease collection of debt” 25
without verification. (ECF 6, at 3.) Notably, none of the claims that survived this Court’s 26 initial
screening are included. (See generally id.) And allegations critical to state claims for 27 unlawful
debt-collection practices that were present in the first complaint—such as 28 allegations that
defendants are “debt collector[s]”—are also absent.

(See id.); *Robinson v. 1 || Managed Accts. Receivables*, 654 F. Supp. 2d 1051, 1057 (C.D. Cal.
2009) (“In order for 2 ||a plaintiff to recover under the FDCPA,” “the defendant must be a ‘debt
collector.’”). As 3 ||a result, Aragon’s amended complaint is dismissed. 4 But since it appears that

Aragon erroneously believed he could incorporate his 5 original complaint by reference, the Court grants him additional time to amend his 6 || complaint again.

Any second amended complaint must be filed by June 10, 2025, and must 7 include all claims Aragon wishes to pursue. If Aragon fails to file an amended complaint 8 || by the deadline, this entire action will be dismissed. *Lira v. Herrera*, 427 F.3d 1164, 1169 9 ||(9th Cir. 2005) (“If a plaintiff does not take advantage of the opportunity to fix his 10 ||}complaint, a district court may convert the dismissal of the complaint into dismissal of the 11 || entire action.”).

12 || Dated: May 20, 2025 14 Hon. rew G. Schopler United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28