

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Baldwin v. Fifth Third Bank, N.A. et al.**

Baldwin · No. 2:24-cv-3401-DC-JDP (PS) · Decided May 22, 2025

SUMMARY

The court grants plaintiff leave to file an amended complaint and denies several motions concerning electronic filing, adding defendants, appointment of counsel, and communications. The magistrate judge recommends striking an improperly filed amended complaint, denying plaintiff’s other motions, and denying defendants’ motions to dismiss and to strike without prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Jeremy D. Peterson                                                                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                     |
| DECIDED               | May 22, 2025                                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | 2:24-cv-3401-DC-JDP (PS)                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Plaintiff proceeded pro se in a removed foreclosure-related action and filed motions to amend, add defendants, obtain electronic-filing permission and appointed counsel, obtain injunctive relief, and strike filings. Defendants filed motions to dismiss and strike. The magistrate judge entered an order resolving some motions and findings and recommendations addressing the remaining motions. |
| STANDARD OF REVIEW    | The court applied the liberal amendment standard under Federal Rule of Civil Procedure 15(a), under which leave to amend should generally be freely given. For appointment of counsel, the court considered likelihood of success on the merits and the plaintiff’s ability to articulate claims pro se in light of the complexity of the legal issues.                                                 |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                         |
| PARTIES               | Bryon Baldwin v. Fifth Third Bank, N.A., et al.                                                                                                                                                                                                                                                                                                                                                         |

TOPICS

motion to amend

motions to dismiss

injunctions

pleadings

civil procedure

## PRACTICE AREAS

civil procedure

commercial litigation

foreclosure

## QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to file a further amended complaint.
2. Whether plaintiff's earlier motion to amend and related requests for striking filings and injunctive relief should be denied as moot or unsupported.
3. Whether plaintiff should be permitted to file electronically as a pro se litigant.
4. Whether exceptional circumstances warranted appointment of counsel.
5. Whether defendants' pending motions to dismiss and first motion to strike were mooted by the authorized amendment.
6. Whether the improperly filed amended complaint should be stricken.

## HOLDINGS

1. Leave to amend was granted because amendment should generally be freely given and the court was not convinced that amendment would be futile.
2. The motions to dismiss and to strike portions of the initial complaint were mooted because the amended complaint would supersede the initial complaint; the court recommended denying those motions without prejudice.
3. Appointment of counsel was denied because plaintiff had not shown exceptional circumstances, including a likelihood of success on the merits and an inability to articulate his claims pro se in light of the complexity of the issues.
4. Plaintiff's requests to use electronic filing were denied because he did not demonstrate good cause for departing from the normal filing procedure applicable to unrepresented litigants.

## KEY QUOTATIONS

*"Leave to amend should generally be freely given."* (at 1)

*"Until the amended complaint is filed, I cannot weigh the likelihood of plaintiff's success on the merits or, indeed, the scope of his claims to determine their relation to the injunctive relief requested."* (at 2)

## FACTUAL BACKGROUND

Bryon Baldwin filed a foreclosure-related action against Fifth Third Bank and other defendants and proceeded without counsel. He sought leave to amend based on newly discovered evidence and to align his claims with federal law, while also filing motions for electronic filing, appointed counsel, injunctive relief, additional defendants, and other relief. Defendants moved to dismiss and to strike portions of the pleadings, including an amended complaint that the court found improperly filed.

## PROCEDURAL HISTORY

Plaintiff filed an action that was removed to the Eastern District of California. While defendants' motions to dismiss and to strike were pending, plaintiff filed multiple motions and an amended complaint. The magistrate judge granted plaintiff leave to file a further amended complaint, denied several of plaintiff's motions, vacated the hearing on defendants' motion to strike, and recommended striking the improperly filed amended complaint while denying defendants' earlier motions without prejudice.

## DISPOSITION

other

## CASES CITED

- Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)
- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Mallard v. U.S. District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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