

1 Of Facts In Support Of Motion For Summary Judgement” (Doc. 6).

2 In the Court’s Order filed January 25, 2011 (Doc. 4), Plaintiff was informed that his
3 first amended complaint must be retyped or rewritten in its entirety on the court-approved
4 form and may not incorporate any part of the original Complaint by reference. However,
5 Plaintiff has ignored the Court’s directive and not filed a first amended complaint on a court-
6 approved form. Moreover, even if the Court were to construe Plaintiff’s “First Amended
7 Notice Of Motion For Summary Judgement In Lieu Of Complaint” (Doc. 5) as a first
8 amended complaint, it would still not comply with the Court’s Order because it is not on the
9 court-approved complaint form and by and large Plaintiff has done nothing more than re-
10 label his original Complaint as a “First Amended Notice Of Motion For Summary Judgement
11 In Lieu Of Complaint.”

12 **II. Dismissal of Action Without Notice**

13 The Court’s January 25, 2011 Order specifically cautioned Plaintiff that if he failed
14 to timely comply with every provision of the Order, including the warnings, the Court may
15 dismiss this action without further notice. See Ferdik v. Bonzelet, 963 F.2d 1258 (9th Cir.)
16 (a district court may dismiss an action for failure to comply with any order of the Court).
17 The Court’s Order also warned that Plaintiff that if he failed to use the court-approved form,
18 the Court may strike the amended complaint and dismiss this action without further notice
19 to Plaintiff.

20 Because Plaintiff has utterly failed to comply with the Court’s January 25, 2011 Order
21 (Doc. 4), the Court will dismiss this action pursuant to Rule 41(b) of the Federal Rules of
22 Civil Procedure for failure to comply with the Court’s Order and will direct the Clerk of
23 Court to enter judgment accordingly. In light of the dismissal of this action, Plaintiff’s “First
24 Amended Notice Of Motion For Summary Judgement In Lieu Of Complaint” (Doc. 5) will
25 be denied as moot.

26 **IT IS ORDERED:**

27 (1) Plaintiff’s “First Amended Notice Of Motion For Summary Judgement In Lieu
28 Of Complaint” (Doc. 5) is **denied as moot**.

