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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH CHRISTO GOMEZ,	)	NO. CV 16-7430-JVW(E)
	)	
Plaintiff,	)	
	)	
v.	)	REPORT AND RECOMMENDATION OF
	)	
CRUZ, MORENO, McDONNELL,	)	UNITED STATES MAGISTRATE JUDGE
LACURAIN, JULLIFF,	)	
	)	
Defendants.	)	
	)	

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This Report and Recommendation is submitted to the Honorable John F. Walter, United States District Judge, pursuant to 28 U.S.C. section 636 and General Order 05-07 of the United States District Court for the Central District of California.

**PROCEEDINGS**

On October 4, 2016, Plaintiff filed a civil rights complaint. On October 12, 2016, the Court issued an "Order Dismissing Complaint with Leave to Amend." This Order allowed Plaintiff to file a First Amended Complaint within thirty (30) days of October 12, 2016. The

1 Order cautioned Plaintiff that failure to file a timely First Amended  
2 Complaint could result in the dismissal of this action. Although the  
3 Magistrate Judge subsequently extended the deadline for filing a First  
4 Amended Complaint until December 14, 2016, Plaintiff failed to file a  
5 First Amended Complaint within the allotted time, as extended.

6  
7 **DISCUSSION**  
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9 The action should be dismissed without prejudice. The original  
10 Complaint was defective for the reasons stated in the Court's  
11 October 12, 2016 Order. Plaintiff has failed to file a timely First  
12 Amended Complaint. The Court has inherent power to achieve the  
13 orderly and expeditious disposition of cases by dismissing actions for  
14 failure to prosecute. Link v. Wabash R.R., 370 U.S. 626, 629-30  
15 (1962); see Fed. R. Civ. P. 41(b). The Court has considered the  
16 factors recited in Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th  
17 Cir.), cert. denied, 506 U.S. 915 (1992), and has concluded that  
18 dismissal without prejudice is appropriate. In particular, any less  
19 drastic alternative would not be effective under the circumstances of  
20 this case.

21  
22 **RECOMMENDATION**  
23

24 For all of the foregoing reasons, IT IS RECOMMENDED that the  
25 Court issue an Order: (1) accepting and adopting this Report and

26 ///

27 ///

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1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of  
3 Appeals, but may be subject to the right of any party to file  
4 objections as provided in the Local Rules Governing the Duties of  
5 Magistrate Judges and review by the District Judge whose initials  
6 appear in the docket number. No notice of appeal pursuant to the  
7 Federal Rules of Appellate Procedure should be filed until entry of  
8 the judgment of the District Court.

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