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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BOBBY GONZALEZ,)	NO. CV 17-0972-JFW(E)
)	
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION OF
)	
DEFENDANT LOS ANGELES COUNTY)	UNITED STATES MAGISTRATE JUDGE
SHERIFF, et al.,)	
)	
Respondents.)	
_____)	

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 February 7, 2017, a "Verified Petition for a Writ of Habeas Corpus, etc." ("the Petition") was filed by Deirdra Duncan-Gonzalez, purportedly on behalf of Petitioner. On February 13, 2017, the Court filed an "Order Dismissing Petition With Leave to Amend." Therein,

1 the Court allowed Petitioner thirty (30) days from February 13, 2017,
2 within which to file a First Amended Complaint. The Court cautioned:
3 "[f]ailure timely to file a First Amended Complaint in conformity with
4 this Order may result in the dismissal of this action." Nevertheless,
5 no timely First Amended Complaint has been filed.

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7 **DISCUSSION**
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9 The action should be dismissed without prejudice under the
10 Court's inherent power to achieve the orderly and expeditious
11 disposition of cases by dismissing actions for failure to prosecute.
12 See Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962). The Court has
13 considered the factors recited in Ferdik v. Bonzelet, 963 F.2d 1258,
14 1260-62 (9th Cir.), cert. denied, 506 U.S. 915 (1992), and has
15 concluded that dismissal without prejudice is appropriate. In
16 particular, any less drastic alternative would not be effective under
17 the circumstances of this case.

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19 **RECOMMENDATION**
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21 For all of the foregoing reasons, IT IS RECOMMENDED that the
22 Court issue an Order: (1) accepting and adopting this Report and

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1 Recommendation; and (2) directing that Judgment be entered dismissing
2 the action without prejudice.

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4 DATED: March 23, 2017.

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_____/s/_____
CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE

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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.

9 If the District Judge enters judgment adverse to Petitioner, the
10 District Judge will, at the same time, issue or deny a certificate of
11 appealability. Within twenty (20) days of the filing of this Report
12 and Recommendation, the parties may file written arguments regarding
13 whether a certificate of appealability should issue.

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