

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

SHIRLEY SMITH,  
Plaintiff,  
v.  
CITY OF SANTA MONICA, et al.,  
Defendants.

Case No. CV 17-1442 JGB (MRW)

**ORDER DISMISSING ACTION  
WITH PREJUDICE**

**FRCP 41(b)**

The Court dismisses the action with prejudice for failure to prosecute and for failure to respond to Court orders.

\* \* \*

1. This is a pro se civil rights action. Plaintiff Smith (a disabled white woman) contends that African-American Santa Monica city bus drivers discriminated against her based on her race and physical condition. After extended motion practice, the Court granted the City's motion to dismiss Plaintiff's First Amended Complaint in September 2017 with leave to amend. (Docket # 20.)



1 Court's order to show cause why the case should not be dismissed. (Docket # 27.)  
2 The Court gave Plaintiff ample opportunity to do so. Plaintiff's failure to respond  
3 to the Court's order demonstrates that she has no interest in advancing the action  
4 here.

5 8. By contrast, the Court, the defense, and the public have a strong  
6 interest in terminating this action. This is particularly true given that Plaintiff  
7 effectively abandoned her case by not responding to the motion to dismiss or the  
8 Court's order. The Court finds that dismissal is appropriate under Rule 41(b).  
9 Furthermore, because Plaintiff is a pro se litigant who did not abide by the Court's  
10 recent order, no sanction short of dismissal will be effective in moving this case  
11 forward. Carey, 856 F.2d at 1440.

12 9. Accordingly, for the above reasons, this action is DISMISSED with  
13 prejudice.

14 IT IS SO ORDERED.

15  
16 Dated: January 7, 2018

  
17 HON. JESUS G. BERNAL  
18 UNITED STATES DISTRICT JUDGE

19  
20 Presented by:

  
21  
22  
23 HON. MICHAEL R. WILNER  
24 UNITED STATES MAGISTRATE JUDGE