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

DAVID R. SILVA,	)	NO. ED CV 14-2150-PSG(E)
	)	
Plaintiff,	)	
	)	
v.	)	REPORT AND RECOMMENDATION OF
	)	
SHERIFF'S DEPUTY GALINDO,	)	UNITED STATES MAGISTRATE JUDGE
	)	
Defendant.	)	
	)	

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This Report and Recommendation is submitted to the Honorable Phillip S. Gutierrez, 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**

Plaintiff filed a civil rights complaint on October 28, 2014. Under the authority of 28 U.S.C. § 1915(e), the Court dismissed the complaint with leave to amend. See "Order Dismissing Complaint With Leave to Amend" ("Order"), filed October 31, 2014.

1 The Order notified Plaintiff that failure to file a First Amended  
2 Complaint within thirty (30) days of October 31, 2014, could result in  
3 the dismissal of the action for failure to prosecute. Plaintiff did  
4 not file an amended complaint within the allotted time.

5  
6 **DISCUSSION**

7  
8 The action should be dismissed without prejudice. The original  
9 complaint is defective for the reasons stated in the Order. Plaintiff  
10 has not filed an amended complaint within the allotted time. The  
11 Court has inherent power to achieve the orderly and expeditious  
12 disposition of cases by dismissing actions for failure to prosecute.  
13 Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962); see Fed. R. Civ. P.  
14 41(b).

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16 **RECOMMENDATION**

17  
18 For all of the foregoing reasons, IT IS RECOMMENDED that the  
19 Court issue an Order: (1) accepting and adopting this Report and  
20 Recommendation; and (2) directing that Judgment be entered dismissing  
21 the action without prejudice.

22  
23 DATED: December 8, 2014.

24  
25 \_\_\_\_\_/S/  
26 CHARLES F. EICK  
27 UNITED STATES MAGISTRATE JUDGE  
28

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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