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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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9   SAMUEL DANCY, JR.,   CASE NO. 1:07-cv-00716-OWW-SMS PC

10   Plaintiff,   ORDER DISMISSING DEFENDANT
THOMPSON FROM ACTION PURSUANT

11   v.   TO RULE 4(M)

12   A. K. SCRIBNER, et al.,   (Doc. 55)

13   Defendants.

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15   This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Samuel Dancy, Jr.,

16 a state prisoner proceeding pro se and in forma pauperis. This action is proceeding on Plaintiff's

17 amended complaint, filed December 3, 2007, against Defendants Thompson, Smith, Posner,

18 Reynolds, Gage, and Hasadsri for acting with deliberate indifference to Plaintiff's medical needs,

19 in violation of the Eighth Amendment.

20   The United States Marshal was unable to locate and serve Defendants Thompson and Gage,

21 and on July 29, 2009, Plaintiff filed a motion seeking leave to file a second amended complaint

22 substituting Defendant Johnston for Defendant Thompson and submitted a proposed second

23 amended complaint. On October 28, 2009, the Court struck Plaintiff's second amended complaint

24 because it was unsigned, and denied Plaintiff's motion to amend, without prejudice to renewal within

25 thirty days. Local Rule 131; Fed. R. Civ. P. 11(a). The Court warned Plaintiff that he if failed to

26 renew his motion to amend and submit a signed second amended complaint, Defendant Thompson

27 would be dismissed from this action. Fed. R. Civ. P. 4(m).

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1   More than thirty days have passed and Plaintiff did not file a renewed motion to amend or

2 submit a signed second amended complaint. Accordingly, Defendant Thompson is HEREBY

3 ORDERED DISMISSED from this action. Fed. R. Civ. P. 4(m).

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5 IT IS SO ORDERED.

6 **Dated: February 2, 2010**   **/s/ Oliver W. Wanger**
                                                    UNITED STATES DISTRICT JUDGE

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