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 9 GENE JOHNSON and CITY OF FRESNO

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 ERNEST HECTOR ABEYTIA, ) CASE NO. 1:08-CV-01528 OWW GSA  
 14 Plaintiff )  
 15 vs. )  
 16 FRESNO POLICE DEPARTMENT and ) **JUDGMENT OF DISMISSAL**  
 FRESNO POLICE OFFICER GENE )  
 17 JOHNSON IN BOTH PERSONAL AND )  
 OFFICIAL CAPACITIES; CITY OF FRESNO )  
 18 and DOES 1 to 100, inclusive, )  
 19 Defendants. ) Complaint Filed: 05/28/08

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 21 On July 17, 2009, plaintiff, ERNEST HECTOR ABEYTIA, was ordered to appear on  
 22 August 17, 2009 at 10:00 a.m. and show cause why his case should not be dismissed for failure to  
 23 prosecute. Prior to the Court's July 17, 2009 order, plaintiff violated the Court's orders regarding  
 24 filing an opposition or notice of non-opposition to defendants' motion to dismiss; jointly preparing  
 25 or participating in the preparation of the joint scheduling conference statement; and appearing at  
 26 the scheduling conference held on July 16, 2009.

27 Plaintiff failed to appear August 17, 2009 and show cause why his case should not be  
 28 dismissed for failure to prosecute or take any action whatsoever to advance his case.

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ACCORDINGLY, IT IS ORDERED that this case be dismissed, with prejudice, for plaintiff's failure to prosecute and failure to comply with court orders.

IT IS SO ORDERED.

**Dated:** August 24, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE