

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

EFRAIN GARCIA, et al.,

Plaintiffs,

v.

ALLSTATE INSURANCE,

Defendant.

1:12-CV-609 AWI SKO

ORDER CLOSING CASE

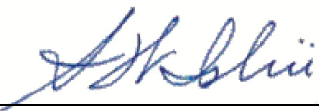
On October 17, 2012, the Court adopted a Findings and Recommendation that dismissed without prejudice to amendment Plaintiff’s complaint. See Doc. No. 18. Plaintiffs were given twenty-one days in which to file an amended complaint. See id. The Plaintiffs were warned that, if they fail “to file a timely amended complaint, leave to amend will be withdrawn and this case will be closed without further notice.” Id.

As of the date of this order, Plaintiffs have failed to file an amended complaint. Since Plaintiffs have failed to file an amended complaint, there are no viable causes of action left against in the operative complaint. Because the operative complaint contains no viable claims and the time to file an amended complaint has passed, the Court can only conclude that Plaintiffs no longer wish to pursue this matter. As per its prior order, the Court withdraws leave to amend and will close this case.

Accordingly, IT IS HEREBY ORDERED that, because Plaintiffs have failed to file an amended complaint as ordered, the Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: November 20, 2012

  
UNITED STATES DISTRICT JUDGE