

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

QUINCY SIMS,  
Plaintiff,  
v.  
C. BOWMAN,  
Defendant.

Case No. 1:14-cv-00415-EPG (PC)  
ORDER DISMISSING CASE WITHOUT  
PREJUDICE AND DIRECTING CLERK OF  
COURT TO CLOSE CASE  
(ECF NOS. 29 & 30)

Quincy Sims (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On April 7, 2014, Plaintiff consented to magistrate judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c) (ECF No. 5), and no other parties have made an appearance. Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a district judge is required. Local Rule Appendix A(k)(3).

Plaintiff filed the complaint commencing this action on March 24, 2014. (ECF No. 1). This action was proceeding on the First Amended Complaint filed on March 10, 2015, against defendant C. Bowman on Plaintiff’s Religious Land Use and Institutionalized Persons Act of 2000 and First Amendment free exercise claims. (ECF Nos. 8, 10, & 12). However, on August

1 3, 2017, the Court dismissed defendant Bowman from this action, without prejudice, because of  
2 Plaintiff's failure to provide the Marshal with accurate and sufficient information to effect  
3 service of the summons and complaint on defendant Bowman within the time period prescribed  
4 by Federal Rule of Civil Procedure 4(m). (ECF No. 29). Instead of dismissing the case, the  
5 Court gave Plaintiff leave to file an amended complaint. (Id.).

6 On August 30, 2017, Plaintiff filed what the Court construes as a notice that Plaintiff  
7 will not be filing an amended complaint. (ECF No. 30).

8 As all defendants have been dismissed from this case (ECF Nos. 12 & 29), and as  
9 Plaintiff has stated his intention not to file an amended complaint (ECF No. 30), the Court will  
10 dismiss this case, without prejudice.

11 Accordingly, based on the foregoing, IT IS HEREBY ORDERED THAT:

- 12 1. This case is DISMISSED, without prejudice; and
- 13 2. The Clerk of Court is directed to close this case

14 IT IS SO ORDERED.

15 Dated: September 5, 2017

16 /s/ Eric P. Grogan  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28