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

CHARLES JOSEPH BRIXIUS,

Plaintiff,

v.

**AMERICAN TRANSFER CO., a California
corporation; AMERICAN TRANSFER CO.
PENSION PLAN,**

Defendants.

1:17-cv-00114-LJO-EPG

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT**

On April 20, 2017, the Court dismissed Plaintiff's complaint, but granted 14 days leave to amend. Plaintiff did not file an amended complaint; therefore, Plaintiff's ERISA claim is dismissed with prejudice due to the deficiencies noted in the Court's April 20, 2017, order. (Doc. 13.)¹ All deadlines and hearings are VACATED, and the Clerk of Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: May 15, 2017

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

¹ This dismissal is without prejudice to any unpled state-law contract claims that may exist.