

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

J.M., a minor,

Plaintiff

V.

**PARLIER UNIFIED SCHOOL
DISTRICT, CITY OF PARLIER,
OFFICER NEIL O'BRIEN, and GEORGE
ALVARADO,**

Defendants

CASE NO. 1:21-CV-0261 AWI BAM

ORDER DISMISSING DEFENDANT GEORGE ALVARADO

(Doc. No. 19)

17 On November 10, 2021, this Court granted Defendant George Alvarado’s motion to
18 dismiss and dismissed all claims against him with leave to amend. See Doc. No. 19. The Court
19 gave Plaintiff twenty-eight days to file an amended complaint. See id. As part of the dismissal
20 order, the Court explained: “If Plaintiff fails to timely file an amended complaint, then leave to
21 amend will be automatically withdrawn without further notice and Defendant Alvarado will be
22 terminated from this case without further notice.” Id. More than twenty-eight days have passed,
23 and Plaintiff has failed to file an amended complaint.

24 The Court takes Plaintiff's failure to comply with the November 10 order, and the failure
25 to heed the warning regarding dismissal of Defendant Alvarado, as Plaintiff's decision to decline
26 to pursue claims against Defendant Alvarado. In the absence of any relevant filing relating to
27 Alvarado, the Court will follow the warning of the November 10 order and revoke leave to amend
28 and dismiss Defendant Alvarado.

1 Accordingly, IT IS HEREBY ORDERED that, due to Plaintiff's failure to file an amended
2 complaint as previously instructed, leave to amend as previously granted in the November 10,
3 2021 order is WITHDRAWN, and the Clerk shall TERMINATE Defendant George Alvarado
4 from this case.

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6 IT IS SO ORDERED.

7 Dated: January 6, 2022


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SENIOR DISTRICT JUDGE