

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

JOSEPH VERDUCCI,)	Civ. No. 08-00756 DAE
)	
Plaintiff,)	
)	
vs.)	
)	
VALLEJO CITY POLICE)	
DEPARTMENT,)	
)	
Defendant.)	
_____)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

By order filed July 21, 2009, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. (Doc. # 12.) The thirty day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the Court’s order.

Accordingly, IT IS HEREBY ORDERED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b). Furthermore, as this Court cautioned in its order, dismissal of this action is hereby

counted as a “strike” under 28 U.S.C. § 1915(g). See McHenry v. Renne, 84 F.3d 1172, 1177-79 (9th Cir. 1996).

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 1, 2009.





David Alan Ezra
United States District Judge

Verducci v. Vallejo City Police Dep't, CV No. 08-00756 DAE; ORDER
DISMISSING COMPLAINT WITHOUT PREJUDICE