

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

MELVIN DISMUKE,

Plaintiff,

v.

OFFICER R. RODRIGUEZ, J.
COUGHLIN, S. PALOMARES, and
PALIMANO,

Defendants.

NO. CV-08-2444-EFS (PC)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE AND CLOSING
FILE**

On January 14, 2009, the Court directed *pro se* Plaintiff Melvin Dismuke to file a signed amended complaint within sixty (60) days. (Ct. Rec. [10](#).) The Court explicitly cautioned Plaintiff that failure to do so may result in dismissal. To date, Plaintiff has not filed an amended complaint. Accordingly, **IT IS HEREBY ORDERED:** Plaintiff's Complaint (Ct. Rec. [1](#)) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED. The District Court Executive is directed to:

1. enter this Order;
2. enter **judgment** of dismissal without prejudice;

