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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 TOM SAYLES,
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 13 Plaintiff,
 14 v.
 15 CITY OF LATHROP; DAN MAC NEILAGE,
 16 in his individual, official and/or agency
 17 capacity; RON RHODES, in his individual,
 18 official and/or agency capacity; DOES 1
 19 through 10, inclusive,
 20 Defendants,

Case No. 2:09-CV-03564-MCE-KJN

ORDER OF DISMISSAL

[FRCP 41(b)]

21 Plaintiff Tom Sayles failed to file any opposition to the defendant City of Lathrop
 22 ("City") Motion to Dismiss for Failure to Prosecute under FRCP 41(b) (ECF No. 36). Plaintiff
 23 further failed to comply with this court's order (ECF No. 47), which required plaintiff to file an
 24 opposition to the motion within 20 days or face sua sponte dismissal of his lawsuit in its entirety.

25 The Court therefore orders as follows:

- 26 1. Defendant's Motion to Dismiss (ECF No. 36) is GRANTED.
- 27 2. Plaintiff Tom Sayles' complaint is dismissed with prejudice in its entirety
 28 against all defendants.
3. In light of the Court's dismissal of Plaintiff's action, Defendant City's Motion
 for Summary Judgment (ECF No. 39) is DENIED as moot.

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4. The Clerk of Court is directed to close the file.

IT IS SO ORDERED.

Dated: September 22, 2011



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE