1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 GARDENER JAMES DOANE No. 2:11-cv-02130-MCE-GGH 11 12 Plaintiff, 13 V. 14 FIRST FRANKLIN FINANCIAL, 15 ORDER OF DISMISSAL 16 Defendants. 17 18 19 Plaintiff Gardener James Doane initiated this action on 20 August 11, 2011. On June 11, 2012, this Court granted 21 Defendants' Motion to Dismiss (ECF No. 13) and ordered Plaintiff 22 to "file any amended complaint not later than thirty (30) 23 calendar days after this Order is filed electronically". The 24 Court went on to caution Plaintiff that if no such amended complaint was filed within that period, "this action will be 25 26 dismissed with prejudice and without any further notice to the 27 parties. ECF No. 22, 19:10-16. 28 ///

As of this date, no amended complaint has been filed or served, and more than 60 days has elapsed. Accordingly, having failed to comply with the Court's Order, and pursuant to the Order's directive that this lawsuit be dismissed as stated above, the action is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110. The Clerk of Court is directed to close the file.

Given the Court's dismissal of this action sua sponte,

Defendants' Motion to Dismiss the Action for Failure to Prosecute

(ECF No. 24) is DENIED as moot. It should nonetheless be noted

that while the Court warned Plaintiff that his lawsuit would be

dismissed without further notice if he failed to amend his

complaint as directed, and while the Court has dismissed the

matter on that basis as set forth above, Plaintiff has also

failed to oppose or respond in any way to Defendants' Motion to

Dismiss. That failure further supports dismissal of the instant

action.

IT IS SO ORDERED.

Dated: August 30, 2012

MORRISON C. ENGLAND, (R.)
UNITED STATES DISTRICT JUDGE

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