


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

8 Given the Court's dismissal of this action sua sponte,
9 Defendants' Motion to Dismiss the Action for Failure to Prosecute
10 (ECF No. 24) is DENIED as moot. It should nonetheless be noted
11 that while the Court warned Plaintiff that his lawsuit would be
12 dismissed without further notice if he failed to amend his
13 complaint as directed, and while the Court has dismissed the
14 matter on that basis as set forth above, Plaintiff has also
15 failed to oppose or respond in any way to Defendants' Motion to
16 Dismiss. That failure further supports dismissal of the instant
17 action.

18 IT IS SO ORDERED.

19 Dated: August 30, 2012

20
21 
22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28