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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AHMAD J. ALJINDI,  
Plaintiff,  
v.  
NORTHCENTRAL UNIVERSITY,  
Defendant.

No. 2:17-cv-01990-JAM-KJN PS

ORDER

On March 30, 2018, the undersigned recommended that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b), based upon plaintiff's failure to file a second amended complaint or notice of voluntary dismissal by March 23, 2018, as the court had previously ordered. (See ECF Nos. 57, 58.)

On April 16, 2018, plaintiff filed objections to the undersigned's findings and recommendations. (ECF No. 59.) Plaintiff does not explain why he has not filed a second amended complaint, nor does he request additional time to file such a pleading. Rather, plaintiff reasserts arguments previously brought before the court, apparently seeking reconsideration of the court's February 23, 2018 order denying plaintiff's motion for default judgment and motion to transfer venue, and granting defendant's motion to dismiss. (See ECF No. 59.) This apparent request for reconsideration is denied because plaintiff has not presented any changes in fact or law. However, in light of plaintiff's *pro se* status and his recent appearance in this matter, the

1 court will afford plaintiff one final opportunity to amend his complaint.

2 In an effort to attempt lesser measures, while simultaneously underscoring the importance  
3 of complying with the court's orders, the court also imposes \$100 in sanctions on plaintiff due to  
4 his failure to follow the court's February 23, 2018 order (ECF No. 57). The court is sympathetic  
5 to the fact that plaintiff proceeds *in forma pauperis*. As such, plaintiff may pay the sanctions in  
6 increments, as outlined in this order.


7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request (ECF No. 59) to reconsider and vacate the court's February 23,  
9 2018 order is DENIED.
- 10 2. The court's March 30, 2018 order and findings and recommendations (ECF No. 58) is  
11 VACATED.
- 12 3. Plaintiff shall pay a total of \$100 in monetary sanctions in increments of \$20, with  
13 payments to be received by the Clerk of Court no later than the following dates: May  
14 10, 2018; June 7, 2018; July 5, 2018; August 9, 2018; and September 6, 2018.
- 15 4. No later than May 10, 2018, plaintiff shall file a second amended complaint that  
16 complies with the terms of the court's February 23, 2018 order (ECF No. 57).
- 17 5. Alternatively, and in lieu of paying the monetary sanctions and filing a second  
18 amended complaint, plaintiff may file a notice of voluntary dismissal of the action  
19 without prejudice no later than May 10, 2018.<sup>1</sup>
- 20 6. Failure to comply with all the terms and deadlines of this order may result in dismissal  
21 of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

22 IT IS SO ORDERED.

23 Dated: April 19, 2018

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

26 <sup>1</sup> Nothing in this order requires plaintiff to dismiss the action, nor does the court necessarily  
27 suggest that plaintiff should dismiss the action. It is merely offered as a potential alternative,  
28 should plaintiff conclude that he is unable to cure the deficiencies of the first amended complaint  
in compliance with Federal Rule of Civil Procedure 11.