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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DWAYNE HARRIS,)	No. C 07-5306 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
JAMES TILTON, et al.,)	
)	
Defendants.)	
_____)	

On October 18, 2007, Plaintiff filed a *pro se* civil rights action in this Court and later an amended complaint. After this Court ordered service of the amended complaint on Defendants, they filed a motion to dismiss the complaint for failure to state a claim for relief. Plaintiff filed an opposition to the motion and Defendants filed a response. On March 25, 2009, this Court dismissed the complaint with leave to amend to state a cognizable claim for relief within thirty days of the Court’s order. In the Court’s order, Plaintiff was notified that failure to amend by the designated time would result in a dismissal of the case.

More than thirty days have passed since March 25, 2009 and Plaintiff has not responded to the Court’s order. Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file, terminate all

1 pending motions and enter judgment in this matter.

2 IT IS SO ORDERED.

3 DATED: May 26, 2009



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5 JEFFREY S. WHITE
United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 DWAYNE HARRIS,
6 Plaintiff,
7

Case Number: CV07-05306 JSW

CERTIFICATE OF SERVICE

8 v.

9 JAMES TILTON et al,
10 Defendant.
_____ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on May 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Dwayne Harris P01755
18 Richard J Donovan State Prison
19 P.O. box 799001
20 San Diego, CA 92179

21 Dated: May 26, 2009


22 Richard W. Wieking, Clerk
23 By: Jennifer Ottolini, Deputy Clerk
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