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

KENNETH BARKER and LOIS ANNE  
BARKER,

No. C 08-2977 SI

**ORDER DISMISSING CASE**

Plaintiffs,

v.

ROUND HILL COUNTRY CLUB, *et al.*,

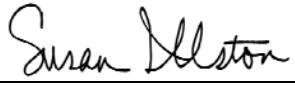
Defendants.

In an order filed September 30, 2008, the Court granted defendants' motion to dismiss and granted plaintiffs leave to amend the complaint. Plaintiffs then requested an extension of time to file an amended complaint, which the Court granted. Plaintiffs did not file an amended complaint, and defendants filed a motion to dismiss for failure to prosecute. Plaintiffs have filed an "answer" to the motion, stating that they do not intend to amend the complaint and instead wish to appeal the September 30, 2008 order.

Accordingly, the Court GRANTS defendants' motion to dismiss for failure to prosecute, and DISMISSES this case. (Docket No. 34).

**IT IS SO ORDERED.**

Dated: November 5, 2008

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge

United States District Court  
For the Northern District of California