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United States District Court  
For the Northern District of California

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

JUAN OCHOA PEREZ, No. C-08-3290 TEH (PR)  
Plaintiff,  
v. ORDER OF DISMISSAL  
COUNTY OF SAN MATEO, et. al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff Juan Ochoa Perez has filed a pro se civil rights Complaint for damages under 42 U.S.C. section 1983 alleging that on June 27, 2006, while he was in the custody of the San Mateo County Jail, he slipped and fell on a wet floor while working in the jail kitchen. Plaintiff sustained injuries to his back that rendered him totally disabled. In his Complaint, Plaintiff did not identify by name any specific Defendant who may be liable for his injuries; he only named as Defendants the County of San Mateo, the San Mateo County Sheriff's Department, the San Mateo County Jail, and the San Mateo County Health Services Agency.

Because Plaintiff's Complaint contained only conclusory


1 allegations that were insufficient to state a claim upon which  
2 relief may be granted, the Court per order filed on April 15, 2009  
3 afforded Plaintiff thirty days to amend his Complaint to allege  
4 facts identifying who allegedly deprived Plaintiff of his  
5 constitutional rights and how those particular Defendants  
6 proximately caused the alleged deprivation. Doc. #11. Plaintiff  
7 was advised that failure to file a proper Amended Complaint within  
8 the designated time would result in dismissal of the action. Id.

9 Over forty days have elapsed since Plaintiff was ordered  
10 to file an Amended Complaint. Plaintiff, however, has failed either  
11 to file an Amended Complaint or seek an extension of time to do so.  
12 Accordingly, the action is DISMISSED without prejudice.

13 The clerk shall close the file and terminate all pending  
14 motions as moot.

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16 IT IS SO ORDERED.

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19 DATED 05/26/09

  
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THELTON E. HENDERSON  
United States District Judge

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