

\*E-Filed 10/7/11\*

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 SAN FRANCISCO DIVISION  
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10 GARY MILANO,

No. C 11-01516 RS

11 Plaintiff,

**ORDER OF DISMISSAL**

12 v.

13 CITY OF WALNUT CREEK, et al.,

14 Defendants.  
15 \_\_\_\_\_/

16  
17 On March 29, 2011, pro se plaintiff Gary Milano filed a complaint against defendants City  
18 of Walnut Creek, Sgt. M. McLaughlin, Officer R. Dickey, and Robert Taylor. Milano did not serve  
19 any of the defendants with the summons and complaint as required by Federal Rule of Civil  
20 Procedure 4 and therefore none have appeared. Although he subsequently filed a First Amended  
21 Complaint on June 24, 2011, he never served the defendants. Furthermore, Milano failed to appear  
22 at the initial Case Management Conference, which was held on September 1, 2011. Milano was  
23 ordered to show cause in writing why this case should not be dismissed for failure to prosecute, to  
24 which he did not respond. A hearing was held on October 6, 2011, and Milano again did not appear.  
25 The case is therefore DISMISSED for failure to prosecute under Federal Rule of Civil Procedure  
26 41(b). The clerk shall enter judgment in favor of defendant and close the file.  
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IT IS SO ORDERED.

Dated: 10/07/11



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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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**THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

**Gary Lee Milano**  
3710 Lone Tree Way, #113  
Antioch, CA 94509

DATED: 10/7/11

/s/ Chambers Staff \_\_\_\_\_  
Chambers of Judge Richard Seeborg