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

TOM McMILLIN,
Plaintiff,

No. C 11-03201 WHA

v.

**ORDER DISMISSING ACTION
PURSUANT TO RULE 41(b)**

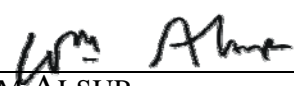
FOSTER CITY, FOSTER CITY POLICE
DEPARTMENT, DOUGLAS NIX,
PIERRE MORRISON, and DOES 1-40,
Defendants.

All claims in this Section 1983 action were dismissed in July on grounds of preclusion, statute of limitations, failure to state a claim, and lack of ripeness (Dkt. No. 38). Plaintiff, who is represented by counsel, was given fourteen days to move for leave to file an amended complaint. After that deadline passed without any actions by plaintiff, defendants moved to dismiss the action for failure to comply with the Court's order and entry of judgment (Dkt. No. 39). This Court then issued an order to show cause for failure to comply with the prior order's deadline (Dkt. No. 40).

Plaintiff has now failed to respond to the order to show cause and oppose defendants' motion to dismiss under Rule 41(b). Therefore, this action is dismissed pursuant to Rule 41(b) for failure to comply with the Court's order and failure to prosecute.

IT IS SO ORDERED.

Dated: September 24, 2012.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California