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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 MARC OLIN LEVY,

No. C -12-01294 EDL

9 Plaintiff,

**ORDER DISMISSING ACTION WITH
PREJUDICE**

10 v.

11 UNITED STATES OF AMERICA,

12 Defendant.
13 _____/

14 Plaintiff Marc Olin Levy filed his complaint and Application to Proceed In Forma Pauperis
15 on March 14, 2012. On March 19, 2012, Plaintiff consented to the jurisdiction of a Magistrate Judge
16 pursuant to 28 U.S.C. § 636(c).¹ On March 23, 2012, the Court granted Plaintiff's application to
17 proceed in forma pauperis and dismissed Plaintiff's complaint without prejudice. The Court gave
18 Plaintiff leave to file an amended complaint by April 13, 2012 and stated that failure to file the
19 amended complaint would result in dismissal of this action with prejudice.

20 A review of the docket reveals that Plaintiff has failed to file an amended complaint at any
21 time after the Court's March 23, 2012 Order. Accordingly, this action is dismissed with prejudice.

22 **IT IS SO ORDERED.**

23 Dated: April 30, 2012

Elizabeth D. Laporte

24 _____
ELIZABETH D. LAPORTE
United States Magistrate Judge

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28 ¹ The Court does not require the consent of Defendant to issue this dispositive order
because Defendant has not been served and therefore is not a party under the meaning of 28 U.S.C. §
636(c). See Ornelas v. De Frantz, 2000 WL 973684, *2, n.2 (N.D. Cal. 2000) (citing Neals v. Norwood,
59 F.3d 530, 532 (5th Cir. 1995) (magistrate judge had jurisdiction to dismiss prisoner's civil rights
action without consent of the defendants because the defendants had not been served yet and therefore
were not parties)).