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E-Filed 3/6/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VINCENT PRICE MCCOWAN,

No. C 12-5631 RS (PR)

Plaintiff,

**ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

v.

A. AVALOS, et al.,

Defendants.

This is a federal civil rights action. Plaintiff must use this Court's civil rights complaint form, a copy of which will be mailed to him. **Accordingly, the complaint is hereby DISMISSED with leave to file an amended complaint on or before April 16, 2013. Failure to file an amended complaint by April 16, 2013 will result in the dismissal, pursuant to Federal Rule of Civil Procedure 41(b), of the action with prejudice for failure to prosecute.** This first amended complaint must include the caption and civil case number used in this order (12-5631 RS (PR)) and the words FIRST AMENDED COMPLAINT on the first page. Because an amended complaint completely replaces the previous complaints, plaintiff must include in his first amended complaint *all* the claims he wishes to present and *all* of the defendants he wishes to sue. *See Ferdik v.*

No. C 12-5631 RS (PR)
ORDER DISMISSING COMPLAINT

1 *Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may *not* incorporate material from
2 the prior complaint by reference. Any claims not raised in the amended complaint will be
3 deemed waived. Failure to file an amended complaint in accordance with this order will
4 result in dismissal of this action without further notice to plaintiff.

5 It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court
6 informed of any change of address by filing a separate paper with the clerk headed "Notice of
7 Change of Address." He must comply with the Court's orders in a timely fashion or ask for
8 an extension of time to do so. Failure to comply may result in the dismissal of this action
9 pursuant to Federal Rule of Civil Procedure 41(b).

10 **IT IS SO ORDERED.**

11 DATED: March 6, 2013


RICHARD SEEBORG
United States District Judge