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NOT FOR PUBLICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISAAC KAVALAN,

No. C 13-00162 JSW

Plaintiff,

ORDER OF DISMISSAL

v.

ATTORNEY NIKKI CLARK, and
COMMISSIONER THOMAS J. NIXON, et
al.,Defendants.

On April 16, 2013, the Court granted Defendants' motions to dismiss and it concluded that it lacked jurisdiction over this matter. The Court also found that even if it had jurisdiction, Mr. Kavalan had failed to state a claim against the named defendants based on the principles of quasi-judicial and judicial immunity. (Docket No. 32.) On April 25, 2013, Mr. Kavalan moved to vacate the judgment, pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(4) and, in the alternative, asked for leave to amend his complaint to name the Superior Court of the State of California, Regina Thomas and Phillip Montes.

On April 30, 2013, the Court granted, in part, and denied, in part, that motion. The Court denied the motion to vacate the judgment to the extent it asked to vacate the order dismissing the claims against Commissioner Nixon and Ms. Clark. The Court did, however, grant Mr. Kavalan leave to amend his complaint to name Ms. Thomas and Mr. Montes as Defendants. (*See* Docket No. 43.)

1 On May 2, 2013, Mr. Kavalan filed a second *ex parte* motion to vacate the Order entered
2 on April 30, 2013, and he again asks the Court to revisit its decision to dismiss the claims
3 against Commissioner Nixon and Ms. Clark, and asks for leave to amend his claims against
4 those Defendants.

5 On May 8, 2013, the Court denied that *ex parte* application. In that same Order, the
6 Court reiterated that if Mr. Kavalan wanted to file an amended complaint on the terms set forth
7 in the Court's April 30, 2013 Order, he could do so by May 24, 2013. The Court advised Mr.
8 Kavalan that if he did not file an amended complaint by that date, the Court would dismiss the
9 case with prejudice and would enter judgment.

10 Mr. Kavalan did not file an amended complaint by May 24, 2013. Accordingly, for the
11 reasons set forth in its Order dated April 16, 2013, and in light of Mr. Kavalan's failure to file
12 an amended complaint, the Court HEREBY DISMISSES THIS MATTER WITH PREJUDICE.
13 The Court shall enter judgment, and the Clerk shall close the file.

14 **IT IS SO ORDERED.**

15 Dated: June 3, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE