

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 TERRY RAY HAWES,
6 Plaintiff,
7

No. C 13-1711 JCS (PR)
ORDER OF DISMISSAL

8 v.

9 MARIN COUNTY SHERIFF
10 DEPARTMENT, and
11 ROBERT DOYLE,
12 Defendants.

United States District Court
For the Northern District of California

13 Plaintiff has failed to comply with the Court's order to file an amended complaint by
14 the deadline. Accordingly, the action is DISMISSED without prejudice for failing to respond
15 to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).¹ Because this
16 dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion
17 **must** contain an amended complaint that complies in all respects with the instructions in the
18 order dismissing the complaint with leave to amend. The Clerk shall enter judgment in favor
19 of defendants, and close the file.

20 **IT IS SO ORDERED.**

21 DATED: December 19, 2013


22 JOSEPH C. SPERO
23 United States Magistrate Judge
24

25 _____
26 ¹ Plaintiff has consented to magistrate judge jurisdiction. The magistrate, then, has jurisdiction
27 to issue this order, even though defendants have not been served or consented to magistrate jurisdiction.
28 *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995) (holding that magistrate judge had jurisdiction
to dismiss prison inmate's action under 42 U.S.C. § 1983 as frivolous without consent of defendants
because defendants had not been served yet and therefore were not parties).