

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 SPENSER BRASURE, Agent for
INDEPENDENT CATERERS, INC.,

No. C 13-2277 JCS (PR)

ORDER OF DISMISSAL

5 Plaintiff,

6 v.

7 ALABASTER WHOLESALE NURSERY,
8 et al.,

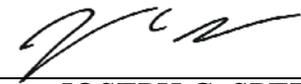
9 Defendants.
10 _____

11 The original complaint was dismissed with leave to amend because the allegations
12 were conclusory and undetailed, it was not clear that this Court had jurisdiction, and plaintiff,
13 who is not an attorney, brought this action on behalf of a corporation, which may appear only
14 through counsel. *See* 28 U.S.C. § 1654; Civil L.R. 3-9(b); *Employee Painters' Trust v. Ethan*
15 *Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007).

16 The amended complaint fails to cure the deficiencies of the first. Accordingly, this
17 action is DISMISSED.¹ Because this dismissal is without prejudice, plaintiff may move to
18 reopen the action. Any such motion **must** (1) be made through counsel; (2) contain an
19 amended complaint alleging clear, detailed claims regarding each defendant; and (3) show
20 that this Court has jurisdiction.

21 **IT IS SO ORDERED.**

22 DATED: November 6, 2013

23 
24 _____
25 JOSEPH C. SPERO
United States Magistrate Judge

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 prisoners action under 42 U.S.C. § 1983 as frivolous without consent of defendants because
they had not been served and therefore were not parties).

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