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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONE MCGEE,
Plaintiff,
v.
ROBERT A. MCDONALD, et al.,
Defendants.

Case No. 16-cv-03843-JD

ORDER OF DISMISSAL

No defendant has filed a response to plaintiff's amended complaint, and nothing has happened in this case since September 2017. Consequently, on September 6, 2019, the Court issued an order for plaintiff McGee to show cause why the case should not be dismissed under Federal Rule of Civil Procedure 41(b), for failure to prosecute. Dkt. No. 17. The deadline for a response was September 23, 2019. *Id.* No response has been filed.

Plaintiff has failed to show any cause why the case should not be dismissed and he appears to have abandoned the case. While the Court favors the disposition of cases on the merits, it has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987), and finds that dismissal here is warranted by the circumstances. The case is dismissed without prejudice under Rule 41(b) and the file will be closed.

IT IS SO ORDERED.

Dated: September 25, 2019



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 TYRONE MCGEE,
4 Plaintiff,

5 v.

6 ROBERT A. MCDONALD, et al.,
7 Defendants.
8

Case No. [16-cv-03843-JD](#)

CERTIFICATE OF SERVICE

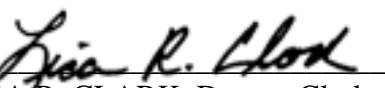
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on September 25, 2019, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Tyrone McGee
18 P.O. Box 32211
Oakland, CA 94604

19
20 Dated: September 25, 2019
21

22 Susan Y. Soong
23 Clerk, United States District Court

24
25 By: 
26 LISA R. CLARK, Deputy Clerk to the
27 Honorable JAMES DONATO
28