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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE B. PENILTON,
Plaintiff,

v.

M.E. SPEARMAN, et al.,
Defendants.

Case No. [16-cv-04573-JCS](#) (PR)

ORDER OF DISMISSAL

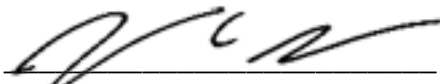
Plaintiff has not filed an amended complaint by the deadline. Accordingly, this federal civil rights action is **DISMISSED** without prejudice for failure to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must contain an amended complaint that complies in all respects with the Court's order dismissing the complaint with leave to amend.

The Clerk shall enter judgment in favor of defendants, and close the file.

All parties consented to magistrate judge jurisdiction. (Dkt. No. 1 at 4; Dkt. Nos. 19 and 20.)

IT IS SO ORDERED.

Dated: November 1, 2018



JOSEPH C. SPERO
Chief Magistrate Judge

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NORTHERN DISTRICT OF CALIFORNIA

WILLIE B. PENILTON,
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CERTIFICATE OF SERVICE

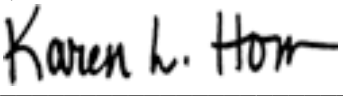
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 1, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie B. Penilton ID: J21437
Correctional Training Facility
P.O. Box 705
Soledad, CA 93960

Dated: November 1, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Karen Hom, Deputy Clerk to the
Honorable JOSEPH C. SPERO