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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)

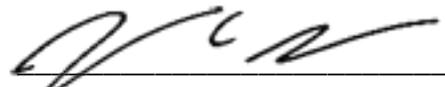
ORDER OF DISMISSAL

Plaintiff failed to comply with the Court's order to file an amended complaint by the deadline. Accordingly, the action is DISMISSED without prejudice for failing 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.

IT IS SO ORDERED.

Dated: February 2, 2017



JOSEPH C. SPERO
Chief Magistrate Judge

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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 February 2, 2017, 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: ID: J21437
Correctional Training Facility
P.O. Box 705
Soledad, CA 93960

Dated: February 2, 2017

Susan Y. Soong
Clerk, United States District Court

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