

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

FRANCOIS ROSS,
Plaintiff,
v.
EXPRESS GLOBAL,
Defendant.

Case No. [16-cv-06857-LB](#)

**ORDER DISMISSING THE CASE
WITHOUT PREJUDICE**

Francois Ross filed an initial complaint for employment discrimination under Title VII of the Civil Rights Act of 1964.¹ The court granted Mr. Ross’s *in forma pauperis* application and, under 28 U.S.C. § 1915, *sua sponte* dismissed the complaint for failure to state a claim and granted leave to amend by January 9, 2017.² The court warned Mr. Ross that if he did not amend his complaint, his case would be dismissed without prejudice for failure to prosecute.³

Mr. Ross then filed an amended complaint, consisting of two pages of handwritten allegations.⁴ As before, the court reviewed Mr. Ross’s amended complaint *sua sponte* under

¹ Compl. – ECF No. 1.
² Order – ECF No. 8.
³ *Id.*
⁴ Amended Compl. – ECF No. 9.

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§ 1915 and dismissed it for failure to state a claim.⁵ The court granted Mr. Ross leave to file a second amended complaint by January 30, 2017, and again warned him that his case would be dismissed without prejudice if he did not file a new complaint.⁶ Mr. Ross has not filed a second amended complaint.

The court therefore dismisses without prejudice Mr. Ross’s case for failure to prosecute. The court directs the Clerk of the Court to close the file.

IT IS SO ORDERED.

Dated: February 24, 2017



LAUREL BEELER
United States Magistrate Judge

⁵ Order – ECF No. 10.

⁶ *Id.*