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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE WILLIAMS, AE8191,	)	
	)	
Plaintiff(s),	)	No. C 17-0461 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
M. DAHL, Correctional Counselor,	)	
	)	
Defendant(s).	)	
_____	)	

On April 24, 2017, the court dismissed with leave to amend plaintiff’s pro se prisoner complaint under 42 U.S.C. § 1983 to allege, if possible, facts showing that defendant: (1) knew that plaintiff faced a substantial risk of serious harm and disregarded that risk by failing to take reasonable steps to abate it, and (2) actually and proximately caused the deprivation of plaintiff’s Eighth Amendment rights. The court made clear that failure to file a proper amended complaint within 28 days will result in the dismissal of this action.

On May 31, 2017, the court dismissed plaintiff’s action because more than 28 days had passed and plaintiff had neither filed a proper amended complaint nor sought an extension of time to do so.

On June 8, 2017, plaintiff filed a letter claiming that he never received the April 24, 2017 order of dismissal with leave to amend. And several days later, he filed a second letter to which he attached his prison mail log, showing that he received no mail from the court during the months of April or May 2017.

1           On June 23, 2017, the court vacated the May 31, 2017 order of dismissal  
2 and accompanying judgment, and instructed the clerk to reopen the case and send  
3 plaintiff a copy of the April 24, 2017 order of dismissal with leave to amend.

4 The court added:

5           Plaintiff may amend, as indicated in the April 24, 2017 order  
6 of dismissal with leave to amend, within 28 days of this order. The  
7 pleading must be simple and concise, and must include the caption  
8 and civil case number used in this order and the words FIRST  
9 AMENDED COMPLAINT on the first page. Failure to file a  
10 proper amended complaint within the designated time will result in  
11 the dismissal of this action.

12 June 23, 2017 Order at 2.

13           But again more than 28 days have passed and plaintiff has neither filed a  
14 proper amended complaint nor sought an extension of time to do so. This action  
15 accordingly is DISMISSED.

16           SO ORDERED.

17 DATED: August 4, 2017

18   
19 \_\_\_\_\_  
20 CHARLES R. BREYER  
21 United States District Judge