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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIKE JOHN ELY,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION,
Defendant.

Case No. [17-cv-03006-JD](#)

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

Re: Dkt. No. 6

On May 24, 2017, Ely filed a complaint against the United States Department of Education seeking an injunction against the collection of his student loans. He did not serve the complaint. After ninety days had passed, the Court ordered Ely to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 6. Ely did not respond to the order. Consequently, the case is dismissed with prejudice for failure to prosecute. The Court has considered the five factors in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). While our policy favors the disposition of cases on their merits, Ely has shown no interest in pursuing his claims and has disregarded the Court's warning that the action would be dismissed if he failed to respond. The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: October 2, 2017



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 MIKE JOHN ELY,
5 Plaintiff,

6 v.

7 UNITED STATES DEPARTMENT OF
8 EDUCATION,
9 Defendant.

Case No. [17-cv-03006-JD](#)

CERTIFICATE OF SERVICE

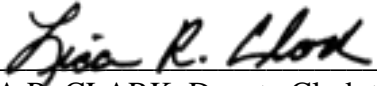
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
11 District Court, Northern District of California.

12 That on October 4, 2017, 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 Mike John Ely
18 409 Simi Place
19 Santa Rosa, CA 95409

20 Dated: October 4, 2017

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