

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 ANTHONY DOMINICK,  
5 Plaintiff,

6 v.

7 KAMALA D. HARRIS, et al.,  
8 Defendants.

Case No.17-cv-04485-JD

**ORDER DISMISSING CASE**

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10 On July 10, 2018, the Court dismissed with leave to amend the complaint filed by pro se  
11 plaintiff Dominick. Dkt. No. 47. The order expressly advised him that failure to file an amended  
12 complaint by August 7, 2018 would result in dismissal of the case with prejudice under Federal  
13 Rule of Civil Procedure 41(b). *Id.* As of the date of this order, Dominick has not filed an  
14 amended complaint.

15 The Court has considered the five factors set forth in *Malone v. United States Postal*  
16 *Service*, 833 F.2d 128, 130 (9th Cir. 1987). The Court finds that notwithstanding the public policy  
17 favoring the disposition of actions on their merits, the Court's need to manage its docket and the  
18 public interest in the expeditious resolution of the litigation warrant dismissal of this action. There  
19 is no appropriate less drastic sanction in light of plaintiff's failure to file an amended complaint in  
20 a timely manner. And as discussed in the prior dismissal order, the complaint was not a coherent  
21 statement of facts or claims.

22 The case is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for  
23 plaintiff's failure to prosecute.

24 **IT IS SO ORDERED.**

25 Dated: August 14, 2018

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JAMES DONATO  
United States District Judge