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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE LUIS MARTINEZ,  
Plaintiff,  
v.  
B. PATTON, et al.,  
Defendants.

Case No. [18-cv-03480-JCS](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff has not complied with the Court's order to file an amended complaint. Accordingly, this federal civil rights action is DISMISSED (without prejudice) for failing to comply with the Court's orders and for failing to prosecute, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain an amended complaint that (i) appears on this Court's form; and (ii) complies in all respects with the instructions set forth in the order dismissing the complaint with leave to amend. (Dkt. No. 25.)

The Clerk shall enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

**Dated:** October 7, 2019

  
JOSEPH C. SPERO  
Chief Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Plaintiff,  
v.  
B. PATTON, et al.,  
Defendants.

Case No. [18-cv-03480-JCS](#)

**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 October 7, 2019, 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.

Jose Luis Martinez ID: E-51644  
Ironwood State Prison  
P.O. Box 2199  
Blythe, CA 92226

Dated: October 7, 2019

Susan Y. Soong  
Clerk, United States District Court

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