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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES HENRY FLOURNOY, P00154293,

Plaintiff,

v.

COUNTY OF CONTRA COSTA, et al.,

Defendant(s).

Case No. [21-cv-06990-CRB](#) (PR)**ORDER OF DISMISSAL**

Plaintiff, a prisoner at the Marin County Jail (MCJ) facing parole revocation proceedings on prior criminal convictions (as well as pretrial proceedings on new criminal charges), filed a pro se complaint under 42 U.S.C. § 1983 alleging various violations of his federal civil rights against several officials at the Contra Costa County Jail (CCCJ), where he was formerly incarcerated. Plaintiff specifically claims sexual harassment, motor vehicle negligence, medical malpractice/deliberate indifference and use of excessive force by different officials at CCCJ.

On November 30, 2021, the court screened the complaint pursuant to 28 U.S.C. § 1915A and dismissed it (1) with leave to amend to file an amended complaint regarding plaintiff's claim that deputy sheriffs Miller and Battles sexually harassed, and (2) without prejudice to plaintiff filing separate actions regarding his other three claims. As to plaintiff's sexual harassment claim, the court explained that plaintiff must "set forth specific facts showing that the alleged sexual harassment by deputy sheriffs Miller and Battles was sufficiently harmful, egregious, pervasive and/or widespread to implicate the Eighth Amendment, if possible." ECF No. 7 at 3. The court also warned plaintiff that "[f]ailure to file a proper amended complaint within [28 days] will result in the dismissal of this action." Id. at 4.

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More than 40 days have passed since the court’s November 30, 2021 order and plaintiff has neither filed an amended complaint nor sought an extension of time to do so. This action accordingly is DISMISSED without prejudice.

The clerk is instructed to close the file and terminate all pending motions as moot.

IT IS SO ORDERED.

Dated: January 11, 2022



CHARLES R. BREYER
United States District Judge