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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES HENRY FLOURNOY, P00154293,
Plaintiff,
v.
CONTRA COSTA COUNTY, et al.,
Defendant(s).

Case No. [21-cv-07480-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 numerous violations of his federal civil rights against numerous officials at the Contra Costa County Jail (CCCJ), where he was formerly incarcerated. Plaintiff specifically claims more than a dozen separate federal rights violations ranging from medical malpractice and negligence to retaliation 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 medical malpractice and negligence claim against several CCCJ medical staff, and (2) without prejudice to plaintiff filing separate actions regarding his other claims. As to the medical malpractice and negligence claim, the court explained that plaintiff must “set forth specific dates and facts showing how each named individual CCCJ medical defendant was deliberately indifferent to his serious medical needs, if possible. It is not enough that a defendant was negligent or grossly negligent.” ECF No. 6 at 3 (citing Farmer v. Brennan, 511 U.S. 825, 835-36 & n.4 (1994)). 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