

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH KENNEDY,
Plaintiff,
v.
CITY OF SAUSALITO,
Defendant.

Case No. [22-cv-00902-EMC](#)**ORDER OF DISMISSAL**

On February 17, 2022, the Court issued an order granting Mr. Kennedy *in forma pauperis* (“IFP”) status but dismissing his complaint because he had failed to allege facts suggesting a violation of his federal constitutional rights. Because the Court dismissed the case, the Court denied without prejudice his request for a TRO. The Court gave Mr. Kennedy until March 17, 2022, to file an amended complaint. *See* Docket No. 11 (order).

On March 1, 2022, the Court’s order was returned as undeliverable. *See* Docket No. 12. The following day, Court staff spoke to Mr. Kennedy by phone, and he provided an address to which the order should be sent. Court staff sent the order to that address. *See* Docket No. 15.

Since that time, the Court has not heard from Mr. Kennedy. He has not filed an amended complaint, even though the Court’s order warned him that failure to file would result in the Clerk of the Court automatically entering a final judgment and closing the file in the case.

In light of Mr. Kennedy’s failure to file an amended complaint, the Court dismisses the case with prejudice and orders the Clerk of the Court to enter a final judgment and close the file in the case. The Court notes that, out of an abundance of caution, it has waited to take action for more than sixty days after its original order was returned as undeliverable. *Cf.* Civ. L.R. 3-11(b)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

("The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) Mail directed to the attorney or pro se party by the Court has been returned to the Court as not deliverable; and (2) The Court fails to receive within 60 days of this return a written communication from the attorney or pro se party indicating a current address.").

IT IS SO ORDERED.

Dated: May 6, 2022


EDWARD M. CHEN
United States District Judge