

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 GERROD L. HERNDON,
5 Plaintiff,

6 v.

7 STATE OF CALIFORNIA, et al.,
8 Defendant(s).

Case No. [23-cv-00694-CRB](#) (PR)

ORDER OF DISMISSAL

9 Plaintiff, a former state prisoner currently residing at All Saints Extended Care, an assisted
10 living facility in San Rafael, California, filed a pro se complaint under 42 U.S.C. § 1983 alleging
11 that he wishes to “challenge federal constitutional and or statutory violation[s] against myself by
12 sexual actors.” ECF No. 1 at 3. He names as defendants the State of California and City of San
13 Rafael councilmember Eli Hill but sets forth no facts whatsoever describing any wrongdoing or
14 tying either defendant to any wrongdoing. He only claims without explanation that state forms
15 and statutes are causing him “cruel & un[u]sual coercion[,] humiliation and pain infliction and
16 corporal punishment.” Id.

17 On April 18, 2023, the court dismissed the complaint with leave to amend to allege
18 specific facts showing how a state actor caused the deprivation of a federal right, if possible. The
19 court warned plaintiff that “[f]ailure to file a proper amended complaint within [28 days] will
20 result in the dismissal of this action.” ECF No. 10 at 2.

21 More that 33 days have passed since the court’s April 18, 2023 order of dismissal with
22 leave to amend was filed and plaintiff has neither filed an amended complaint nor sought an
23 extension of time to do so. The action accordingly is DISMISSED without prejudice.

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

25 **IT IS SO ORDERED.**

26 Dated: May 22, 2023

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28 CHARLES R. BREYER
United States District Judge