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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLEN E. RIVERA WILSON,  
Plaintiff,

No. C 06-06368 SBA (PR)

**ORDER OF DISMISSAL**

v.

SAN FRANCISCO CITY & COUNTY, et al.,  
Defendants.

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On January 15, 2009, the Court issued an Order of Dismissal with Leave To Amend and gave Plaintiff thirty days from the date of the Order to file an amended complaint providing factual and legal bases for his claims. Plaintiff was warned that a failure to timely file an amended complaint would result in dismissal for failure to prosecute.

The time for Plaintiff to file his amended complaint has passed, and no amended complaint has been filed.

Accordingly, IT IS HEREBY ORDERED that the complaint in the above-captioned action is DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall terminate all pending motions and close the file.

When and if Plaintiff is prepared to pursue his claims, he may file a new civil rights action. The limitations period to file a § 1983 action in California is two years, but it is tolled for up to two years during a continuous period of incarceration. See *Silva v. Crain*, 169 F.3d 608, 610 (9th Cir.

1 1999) (holding, pursuant to Cal. Civ. Proc. Code § 340(3), that the limitations period for filing a  
2 § 1983 action in California is one year); S.B. 688 (amending Cal. Civ. Proc. Code § 340(3) and  
3 adding § 335.1 to establish two-year residual limitations period for personal injury actions); Cal.  
4 Civ. Proc. Code § 352.1(a) (providing for an additional two years of tolling during a period of  
5 continual imprisonment).

6 IT IS SO ORDERED.

7 DATED: 3/13/09

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 GLEN E. RIVERA WILSON,

5 Plaintiff,

6 v.

7 SAN FRANCISCO CITY & COUNTY et al,

8 Defendant.

Case Number: CV06-06368 SBA

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on March 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
14 receptacle located in the Clerk's office.

15 Glen E. Rivera  
16 1072 Folsom Street  
17 #243  
18 San Francisco, CA 94103

19 Dated: March 16, 2009

20 Richard W. Wieking, Clerk  
21 By: LISA R CLARK, Deputy Clerk