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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 RONALD A. SHAFFER,

No. C 08-01130 CW (PR)

10 Plaintiff,

ORDER OF DISMISSAL

11 v.

12 BEN CURRY, et al.,

13 Defendants.
14 _____/

15 On August 21, 2009, the Court issued an order of dismissal
16 with leave to amend and gave Plaintiff thirty days from the date of
17 the Order to file an amended complaint providing factual and legal
18 bases for his claims. Failure to timely file an amended complaint
19 would result in dismissal for failure to prosecute. The time for
20 Plaintiff to file his amended complaint has passed, and no amended
21 complaint has been filed.

22 Accordingly,

23 IT IS HEREBY ORDERED that the complaint in the above-captioned
24 action is dismissed for failure to prosecute pursuant to Federal
25 Rule of Civil Procedure 41(b).

26 All pending motions are TERMINATED. The Clerk of the Court
27 shall enter judgment in accordance with this Order and close the
28 file.

1 When and if Plaintiff is prepared to pursue his claims, he may
2 file a new civil rights action, if it is not barred by the
3 applicable statute of limitations.

4 IT IS SO ORDERED.

5 Dated: 10/22/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 RONALD A SHAFFER,

5 Plaintiff,

6 v.

7 BEN CURRY et al,

8 Defendant.

Case Number: CV08-01130 CW

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 October 22, 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 said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Ronald A. Shaffer F00693
16 Correctional Training Facility
17 C-OW-109
18 P.O. Box 689
19 Soledad, CA 93960

20 Dated: October 22, 2009

21 Richard W. Wieking, Clerk
22 By: Sheilah Cahill, Deputy Clerk
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