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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD A. SHAFFER, No. C 08-01130 CW (PR)  
Plaintiff, ORDER OF DISMISSAL  
v.  
BEN CURRY, et al.,  
Defendants.

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On August 21, 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. 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).

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

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RONALD A SHAFFER,  
Plaintiff,  
v.  
BEN CURRY et al,  
Defendant.

Case Number: CV08-01130 CW

**CERTIFICATE OF SERVICE**

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

That on October 22, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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

Dated: October 22, 2009

Richard W. Wiking, Clerk  
By: Sheilah Cahill, Deputy Clerk