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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY,

Plaintiff,

v.

DEPARTMENT OF THE ARMY, et al.,

Defendants.

No. C 10-0540 PJH

ORDER OF DISMISSAL

On March 2, 2010, this court dismissed without prejudice plaintiff's complaint and application to proceed in forma pauperis. Plaintiff was advised to file an amended complaint no later than April 1, 2010 or the case would be dismissed with prejudice. Plaintiff failed to file an amended complaint by that date.

The court has considered the five factors set forth in Malone v. United States Postal Service, 833 F.2d 128, 130 (9th Cir. 1987), and has determined that notwithstanding the public policy favoring the disposition of actions on their merits, the court's need to manage its docket and the public interest in the expeditious resolution of the instant litigation require dismissal of this action. In view of plaintiff's lack of response to this court's prior order, the court finds there is no appropriate less drastic sanction.

Accordingly, this action is DISMISSED with prejudice pursuant to Fed. R. Civ. Pro. 41(b) for plaintiff's failure to prosecute.

IT IS SO ORDERED.

Dated: April 5, 2010



PHYLLIS J. HAMILTON
United States District Judge