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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 GARY L. LEWIS,

7 Plaintiff,

8 vs.

9 SAN PABLO LYTTON CASINO & CHRIST
10 TOPHER

11 Defendants.

Case No: C 11-5060 SBA

ORDER DISMISSING ACTION

12
13 Plaintiff Gary L. Lewis filed the instant pro se action, apparently pursuant to 42
14 U.S.C. § 1983, against San Pablo Lytton Casino and “Christ Topher,” along with a request
15 to proceed in forma pauperis (“IFP”). Dkt. 1, 4. On November 18, 2011, the Court
16 dismissed the action for failure to state a claim, and gave Plaintiff until December 9, 2011
17 to amend his complaint. Dkt. 15. The Court expressly warned Plaintiff that if he failed to
18 file an amended complaint by that deadline, the Court would dismiss the action under
19 Federal Rule of Civil Procedure 41(b) and terminate the action. *Id.* at 4. To date, Plaintiff
20 has not filed an amended complaint. As such, the Court finds that dismissal of the action is
21 appropriate. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

22 IT IS HEREBY ORDERED THAT the instant action is DISMISSED without
23 prejudice. The Clerk shall close the file and terminate any pending matters.

24 IT IS SO ORDERED.

25 Dated: January 17, 2012

26 
27 SAUNDRA BROWN ARMSTRONG
28 United States District Judge

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

4 LEWIS et al,

5 Plaintiff,

6 v.

7 SAN PABLO LYTTON CASINO et al,

8 Defendant.

9 _____/

10 Case Number: CV11-05060 SBA

11 **CERTIFICATE OF SERVICE**

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

14 That on January 17, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Gary L. Lewis
19 P.O. Box 99194
20 Emeryville, CA 94608

21 Dated: January 17, 2012

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk
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