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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TYRONE HURT,

Plaintiff,

No. C 12-3142 PJH

v.

**ORDER OF DISMISSAL**

UNITED STATES OF AMERICA,

Defendant.

\_\_\_\_\_ /

The complaint in this case was dismissed on July 6, 2012 because it failed to state a claim given that it was largely incomprehensible and unintelligible. The dismissal was with leave to amend. Plaintiff did not file an amended complaint by the deadline and no communication with him has been received by the court.

The court having considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987), and having 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 litigation require dismissal of this action. In view of plaintiff's lack of response to this court's prior order(s), 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: August 3, 2012



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PHYLLIS J. HAMILTON  
United States District Judge

**United States District Court**  
For the Northern District of California