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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY A. PERRY,
Plaintiff,

No. C-12-03534 DMR

ORDER OF DISMISSAL

v.

UNITED STATES OF AMERICA, ET AL.,
Defendants.

On November 21, 2012, the court granted *pro se* Plaintiff Anthony A. Perry’s application to proceed *in forma pauperis* (“IFP”), dismissed the Complaint with leave to amend and ordered Plaintiff to file an amended complaint by December 10, 2012. [Docket No. 9.] On December 10, 2012, Plaintiff filed a motion for an extension of time in which to file his amended complaint. [Docket No. 12.] The court granted Plaintiff’s request and ordered Plaintiff to file the amended complaint by January 4, 2013. [Docket No. 13.] On January 4, 2012, instead of filing the amended complaint, Plaintiff filed a motion for reconsideration of the court’s November 21, 2012 order. [Docket No. 14.] On January 14, 2013, the court denied Plaintiff’s motion for reconsideration and granted Plaintiff until January 31, 2013 to file the amended complaint. [Docket No. 15.] Plaintiff did not filed an amended complaint. On February 7, 2013, the court issued an order to show cause why this matter should not be dismissed for failure to prosecute. [Docket No. 16.]

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In his February 19, 2013 response to the order to show cause (Docket No. 18), Plaintiff did not explain why he did not file a timely amended complaint, nor did he attempt to file an amended complaint. Instead of addressing the defects in his earlier complaint, he discussed additional alleged harms that he claims to have experienced since February 8, 2013. Plaintiff has been given ample opportunity to file an amended complaint, and was warned that failure to do so would result in dismissal of his case for failure to prosecute. The court now dismisses the complaint without prejudice.

IT IS SO ORDERED.

Dated: February 25, 2013

