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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMARILYN BLOCH,
Plaintiff,
v.
FACEBOOK INC.,
Defendant.Case No. [4:17-cv-03803-KAW](#)**ORDER OF DISMISSAL**

Plaintiff Marilyn Bloch, proceeding pro se, filed this copyright infringement lawsuit against Facebook for suspending her Facebook account, and is seeking monetary damages and the restoration of her account. (Compl., Dkt. No. 1 at 3.) On August 7, 2017, the Court dismissed Plaintiff's complaint with leave to amend pursuant to 28 U.S.C. § 1915(e)(2). (Dkt. No. 6 at 1.) The Court ordered Plaintiff to file a first amended complaint no later than August 31, 2017. *Id.* at 2.

Plaintiff did not timely file an amended complaint. On September 8, 2017, the undersigned issued an order to show cause, and ordered Plaintiff to file her amended complaint on or before October 4, 2017, and respond to the order to show cause by explaining why she did not timely file an amended complaint and why this case should not be dismissed for failure to prosecute. (Dkt. No. 7.) Plaintiff was referred to Federal Pro Bono Help Desk for assistance "in determining whether she has a viable claim against Facebook." *Id.* at 1-2. Plaintiff was advised that the Help Desk takes phone appointments, so her residence in Florida would not preclude her ability to access legal assistance. *Id.* at 1. Plaintiff was cautioned that the "[f]ailure to file both documents by the deadline may result in the case being dismissed for failure to prosecute." *Id.*

To date, Plaintiff has not filed a response to the order to show cause nor has she filed an

United States District Court
Northern District of California

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amended complaint.

Federal Rule of Civil Procedure 41(b) permits the involuntary dismissal of an action or claim for a plaintiff’s failure to prosecute. *See Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (“authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power’”). Unless otherwise stated, a dismissal under Rule 41(b) “operates as an adjudication on the merits.” Fed. R. Civ. P. 41(b).

In light the foregoing, the case is dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: October 18, 2017


KANDIS A. WESTMORE
United States Magistrate Judge