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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Melina Razavi,

NO. C 05-05298 JW

Plaintiff,

**ORDER OF DISMISSAL PURSUANT TO  
FED. R. CIV. P. 4(m) and 41(b)**

v.

Melissa Razavi, et al.,

Defendants.

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Plaintiff filed this action on December 21, 2005. (See Docket Item No. 1.) On January 25, 2006, the Court denied Plaintiff's motion to proceed *in forma pauperis*, denied Plaintiff's motion to appoint counsel, without prejudice, and dismissed her Complaint with leave to amend. (See Docket Item No. 9.) Plaintiff filed an Amended Complaint on February 28, 2006. (See Docket Item No. 10.) Plaintiff has failed to serve any Defendants in accordance with Fed. R. Civ. P. 4(m), and has taken no action in this case other than filing a letter addressed to Chief Judge Walker on June 30, 2006 requesting a transfer of this case. (See Docket Item No. 10.)

On February 26, 2009, the Court issued an Order to Show Cause re: Dismissal and set a hearing for March 16, 2009. (See Docket Item No. 16.) Plaintiff failed to appear or otherwise communicate with the Court. It appears that Plaintiff has abandoned this action.<sup>1</sup> Accordingly, the Court ORDERS this action dismissed pursuant to Fed. R. Civ. P. 4(m) for failure to timely serve Defendants. In addition, since Plaintiff has ignored all of the Court's orders, the Court dismisses

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<sup>1</sup> Plaintiff has also failed to update the Court with her current address.

1 this action pursuant to Fed. R. Civ. P. 41(b), which is a dismissal on the merits for lack of  
2 prosecution.

3 Judgment shall be entered accordingly.

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5 Dated: March 25, 2009

  
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6 JAMES WARE  
7 United States District Judge  
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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Melina Razavi  
3 4501 Snell Avenue, Apt. #2804  
4 San Jose, CA 95136

5 **Dated: March 25, 2009**

**Richard W. Wieking, Clerk**

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7 **By:           /s/ JW Chambers**  
8 **Elizabeth Garcia**  
9 **Courtroom Deputy**

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