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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONNIE S. MARTIN,)	No. C 08-4459 JF (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
KENNETH PONDER, et al.,)	
)	
Defendants.)	(Docket No. 5)

Plaintiff, a California prisoner proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983. On November 25, 2008, the Court dismissed the complaint with leave to amend so that Plaintiff may attempt to allege facts showing why his claims are not time-barred. (See Docket No. 4.)

On December 8, 2008, Plaintiff notified the Court that he would like to dismiss the case, which the Court construed as a motion for voluntary dismissal. However, in the same document Plaintiff requested the Court to send notification to the Prison’s Trust Office “instructing them to remove the filing fee order on 11/20/2008.” (See Docket No. 5.) In an Order filed December 17, 2008, the Court advised Plaintiff that voluntary dismissal of this action does not waive the filing fee. (See Docket No. 6.) The Court

1 reminded Plaintiff that pursuant to the Court's November 25, 2008 order, Plaintiff had
2 until December 25, 2008 to file an amended complaint. The Court advised Plaintiff that if
3 he failed to file an amended complaint in the time provided, the Court would dismiss this
4 action without prejudice.

5 The deadline has long since passed, and Plaintiff has not filed an amended
6 complaint. Accordingly, this action is DISMISSED without prejudice.

7 Plaintiff's motion to dismiss (Docket No. 5) is DENIED as moot.

8 IT IS SO ORDERED.

9 DATED: 4/20/09

10 
11 _____
12 JEREMY FOGEL
13 United States District Judge