

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

ZHIXUN SAMUEL SUN,

CASE NO. 5:10-cv-01055 EJD

ORDER DISMISSING CASE

Plaintiff(s),

v.

RICKENBACKER COLLECTIONS,

Defendant(s).

On January 2, 2013, the court denied Plaintiff's motion for entry of default judgment and ordered Plaintiff to file an amended complaint within thirty days. See Docket Item No. 70. The court admonished Plaintiff that failure to file an amended complaint as directed could result in the dismissal of this action without further notice.

As of this date, Plaintiff has not filed an amended complaint or otherwise indicated a reason for not doing so. Accordingly, this case is **DISMISSED WITH PREJUDICE** for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b). The Clerk shall close this file.

IT IS SO ORDERED.

Dated: February 5, 2013


EDWARD J. DAVILA
United States District Judge