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

SCOTT CABIBI JOURNAY,

CASE NO. 5:12-cv-02910 EJD

ORDER DISMISSING CASE

Plaintiff(s),

v.

ROBERT ROBAGO, et. al.,

Defendant(s).

On June 26, 2012, the court issued an Order which adopted the Report and Recommendation of Magistrate Judge Paul S. Grewal and dismissed the Complaint filed by Plaintiff Scott Cabibi Journey (“Plaintiff”) for lack of subject matter jurisdiction. See Docket Item No. 6. Plaintiff was given leave to file an amended complaint no later than July 20, 2012, and was advised that failure to file an amended pleading or failure to establish federal jurisdiction would result in a dismissal of this action without further notice. Id.

As of the current date, Plaintiff has not filed an amended complaint and the deadline to file such pleading has passed. Accordingly, this case is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction. Freeman v. Oakland Unified Sch. Dist., 179 F.3d 846, 847 (9th Cir. 1999) (“Dismissals for lack of jurisdiction should be . . . without prejudice so that a plaintiff may reassert his claims in a competent court.” (internal quotations omitted)). The Clerk of the Court shall close this file.

IT IS SO ORDERED.

Dated: July 24, 2012


EDWARD J. DAVILA
United States District Judge