

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALFRED R. KIDD, ) No. C 12-06498 EJD (PR)  
Plaintiff, ) ORDER OF DISMISSAL  
vs. )  
B. PHILLIPS, et. al., )  
Defendant. )

Plaintiff, a state prisoner proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983, by filing a request for a temporary restraining order. On February 6, 2013, the Court dismissed the complaint with leave to amend. (See Docket No. 5.) The Court advised Plaintiff that if he failed to file an amended complaint within twenty-eight days from the date the order was filed, *i.e.*, no later than March 6, 2013, the Court would dismiss this action without prejudice. (See *id.* at 2.)

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

DATED: 4/5/2013

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED KIDD,

Case Number: CV12-06498 EJD

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

B. PHILLIPS, et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/9/2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alfred R. Kidd K-55068  
California Men's Colony State Prison  
P. O. Box 8101  
San Luis Obispo, CA 93409-8101

Dated: 4/9/2013

Richard W. Wiking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk