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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

GREG DENNIS HOLBERT,  
Plaintiff,  
v.  
FERDINAN ALVAREZ, et al.,  
Defendants.

Case No. [15-cv-01687-BLF](#)

**ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

Plaintiff Greg Dennis Holbert passed away on May 31, 2016. Yang Decl. ISO Mot. to Withdraw ¶ 1, ECF 49-1. On June 24, 2016, in recognition of his death and pursuant to the parties' request, the Court stayed the case through September 8, 2016. ECF 51. Mr. Holbert's mother and an Interested Party, Bernice Holbert, appeared at the September 8, 2016 case management conference and asked the Court to continue the stay to give her time to retain counsel so that she could pursue the action on behalf of her son. ECF 59. The Court continued the stay through December 7, 2016, and ordered Ms. Holbert to file a complaint or seek an extension of the stay on or before that date. ECF 59. On November 28, 2016, Ms. Holbert sent the Court a letter asking for additional time to further pursue an attorney, which the Court granted. ECF 61, 63. In its order, the Court granted the stay through January 31, 2017 and advised Ms. Holbert that she was to file an amended complaint on or before that date or the Court would dismiss the action. ECF 63.

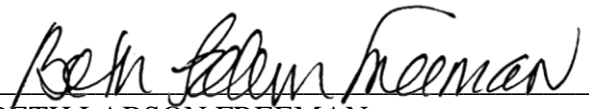
In a letter to the Court dated January 26, 2017, Ms. Holbert advised the Court that she had been unable to retain counsel for this action and was unable to pursue the case further. ECF 65. Without a plaintiff or an operative complaint, the Court is compelled to dismiss the action. Accordingly, the above-titled action is DISMISSED WITHOUT PREJUDICE.

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The Clerk is ORDERED to close the file and to send a copy of this order to Ms. Holbert at her last known address.

**IT IS SO ORDERED.**

Dated: January 30, 2017

  
BETH LABSON FREEMAN  
United States District Judge