

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 KHALID MOHAMMAD,
5 Plaintiff,

6 v.

7 THE KING CITY POLICE DEPARTMENT,
8 Defendant.

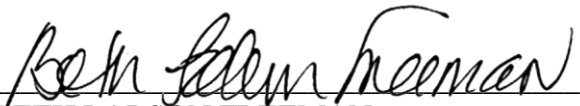
Case No. [16-cv-02903-BLF](#)

ORDER DISMISSING CASE

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11 On October 27, 2016, this Court granted Defendant's motion to quash and motion to
12 dismiss with leave to amend, and ordered Plaintiff to file an amended complaint on or before
13 November 28, 2016. ECF 22. Thereafter, Plaintiff filed an appeal to the Ninth Circuit. ECF 23.
14 On December 13, 2016, the Ninth Circuit dismissed Plaintiff's appeal for a lack of jurisdiction.
15 ECF 25. The Court subsequently extended the deadline for Plaintiff to file an amended complaint
16 to January 12, 2017. ECF 26. Because the Ninth Circuit did not issue its formal mandate until
17 January 4, 2017, however, the Court further extended Plaintiff's deadline to file an amended
18 complaint to February 3, 2017. ECF 29. The Court explained that failure to file an amended
19 complaint would result in dismissal. *Id.* To date, Plaintiff has not filed an amended complaint.
20 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 41(b);
21 *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) ("The failure of the plaintiff
22 eventually to respond to the court's ultimatum . . . is properly met with the sanction of a Rule
23 41(b) dismissal.").

24 **IT IS SO ORDERED.**

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26 Dated: February 7, 2017

27 
28 BETH LABSON FREEMAN
United States District Judge