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

HARLAN DEAN GRAVES,
Plaintiff,
v.
LUIS MOSQUEDA,
Defendant.

Case No. [16-cv-03736-BLF](#)

ORDER OF DISMISSAL

On December 14, 2016, the Court granted in part Defendant Luis Mosqueda’s motion to dismiss Plaintiff Harlan Dean Graves Jr.’s complaint. ECF 19. The Court further ordered Graves to file an amended complaint on or before January 13, 2017. *Id.* Because Plaintiff failed to file an amended complaint by that date, the Court issued an Order to Show Cause (“OSC”) why the case should not be dismissed for failure to comply with the Court’s order. ECF 20. Plaintiff filed a timely response to the OSC, with an explanation for his failure to file an amended complaint. ECF 21. In his response, Plaintiff indicated that he would file an amended complaint by February 13, 2017. *Id.* at 2. Accordingly, the Court discharged the OSC and ordered Plaintiff to file an amended complaint on or before February 21, 2017. ECF 23. In its Order Discharging the OSC, the Court advised Plaintiff that failure to comply with the Court’s order would result in dismissal of the action without further notice. *Id.* As of yet, Plaintiff has not filed an amended complaint. Therefore, the Court **DISMISSES** the above-titled action pursuant to Fed. R. Civ. P. 41(b). *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005).

The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: February 27, 2017


BETH LABSON FREEMAN
United States District Judge