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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GABRIELLE NIMTZ; NAOMI NIMTZ, a minor by her guardian ad litem, GABRIELLE NIMTZ; ADRIANNA NIMTZ, a minor by her guardian ad litem, GABRIELLE NIMTZ; and DANIEL JENSEN, a minor by her guardian ad litem, GABRIELLE NIMTZ;,

Plaintiffs,

vs.

CITY OF SAN DIEGO; SAN DIEGO POLICE DEPARTMENT; SAN DIEGO POLICE OFFICER VAN CLEEF; SAN DIEGO POLICE SERGEANT ANNING; CHIEF OF POLICE WILLIAM LANSDOWNE; and DOES 1-20 inclusive,

Defendants.

CASE NO. 3:10-CV-02166-H (WMc)

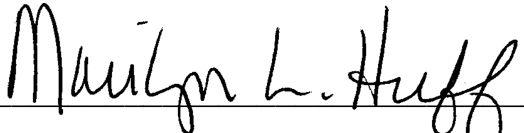
ORDER DISMISSING CASE WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P. 41(b)

On February 25, 2013, the Court held the final pretrial conference for this action. Christina M. Milligan appeared for Defendants. Plaintiff Gabrielle Nimtz (“Plaintiff”) failed to appear, in violation of the Court’s January 24, 2013 order to appear and to comply with all court orders. (Doc. No. 44.) Plaintiff has failed to comply with several other court orders and has failed to take any action in this matter for over six months.

1 (See Doc. Nos. 38, 41, 43, 44.) The Court notified Plaintiff that failure to comply with
2 court orders or otherwise fail to act could lead to dismissal of her case. (See Doc. Nos.
3 43, 44.) Accordingly, counsel for Defendants moved the Court to dismiss this action
4 under Rule 41(b) of the Federal Rules of Civil Procedure. Based on Plaintiff's failure
5 to comply with court orders and Plaintiff's inaction in this matter, the Court grants the
6 motion and dismisses the case without prejudice pursuant to Federal Rule 41(b).

7 **IT IS SO ORDERED.**

8 DATED: February 25, 2013

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11 MARILYN L. HUFF, District Judge
12 UNITED STATES DISTRICT COURT
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