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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GLENN S. SUNKETT,  
  
Plaintiff,  
  
v.  
  
RUIZ, et al.,  
  
Defendants.

Case No.: 14-cv-2649-JLS (KSC)

**ORDER DISMISSING CASE WITH  
PREJUDICE**  
(ECF No. 28)

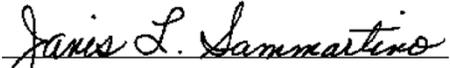
Presently before the Court is Defendants’ Motion to Dismiss Plaintiff’s Complaint with Prejudice (“Mot. to Dismiss”). (ECF No. 28.) On November 5, 2014, Plaintiff filed the instant case. (ECF No. 1.) Defendants soon thereafter filed a Motion to Dismiss and Motion for Summary Judgment. (ECF No. 16.) Magistrate Judge Karen S. Crawford issued a Report and Recommendation, (ECF No. 25), to which no party objected, and which the Court adopted, (ECF No. 26). In so doing, the Court dismissed all of Plaintiff’s claims and granted Plaintiff leave to amend one specific cause of action if he did so within thirty days. (*Id.*)

Approximately one year and two months have passed, and Plaintiff has not filed an amended Complaint. Accordingly, the Court **GRANTS** Defendants’ Motion to Dismiss Plaintiff’s Complaint in its entirety with prejudice. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may

1 move to dismiss the action or any claim against it.”); *see Lira v. Herrera*, 427 F.3d 1164,  
2 1169 (9th Cir. 2005) (“If a plaintiff does not take advantage of the opportunity to fix his  
3 complaint, a district court may convert the dismissal of the complaint into dismissal of the  
4 entire action.”). Because this concludes the litigation in this matter, the Clerk **SHALL** close  
5 the file.

6 **IT IS SO ORDERED.**

7 Dated: May 12, 2017

8   
9 Hon. Janis L. Sammartino  
United States District Judge

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