

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 GREGORY L. FLETCHER,  
12 Plaintiff,  
13 v.  
14 C/O QUIN; C/O LOPEZ; SERGEANT  
15 STRICLAND; C/O ROMERO; C/O  
16 GALVAN; C/O GRISSON; C/O  
17 SORRANNO; CAPTAIN SANCHEZ,  
Defendant.

Case No.: 3:15-cv-02156-GPC-WVG

**ORDER DISMISSING WITH  
PREJUDICE DEFENDANTS QUINN  
AND GALVAN**

18  
19 On September 24, 2015, Plaintiff filed a complaint against a number of prison  
20 officials employed at the Richard J. Donovan Correctional Facility (“RJD”) in San Diego,  
21 California.<sup>1</sup> Dkt. No. 1. On October 26, 2015, the Court dismissed the complaint  
22 without prejudice for failure to pay filing fees. Dkt. No. 4. On December 8, 2015,  
23 Plaintiff filed a first amended complaint (“FAC”), and on December 28, 2015, Plaintiff  
24 filed a motion to proceed *in forma pauperis*. Dkt. Nos. 6 & 8. The Court granted  
25  
26

27  
28 <sup>1</sup> The FAC identifies these individuals as C/O Quin[n], Romero, Galvan, Sorrano, Grisson, Lopez,  
Captain Sanchez and Sgt. Stricklin/Stricland.

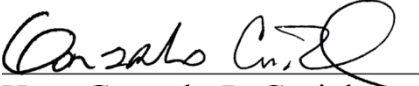
1 Plaintiff's motion to proceed *in forma pauperis* and directed the U.S. Marshal to effect  
2 service on Plaintiff's behalf. Dkt. No. 11.

3 The FAC alleges that Defendants violated Plaintiff's (1) Eighth Amendment right  
4 to be free from cruel and unusual punishment and (2) First Amendment rights to freedom  
5 of association, free speech, and freedom of religion. FAC, Dkt. No. 6. On June 20, 2016,  
6 Defendants filed a motion to dismiss Defendants Galvan and Quinn. Dkt. No. 22.  
7 On March 3, 2017, this Court granted Defendants' motion to dismiss Galvan and Quinn  
8 from the FAC with leave to amend. The Court gave Plaintiff sixty (60) days from the  
9 date of the order to amend his allegations against Defendants Galvan and Quinn.

10 Plaintiff has failed to file an amended complaint against Defendants Galvan and  
11 Quinn within the time frame ordered by the Court. More than sixty days have elapsed  
12 since the Court's March 3, 2017 Order. Accordingly, this Court hereby **DISMISSES**  
13 Plaintiff's claims against Defendants Galvan and Quinn with prejudice. *See Lira v.*  
14 *Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005) ("If a plaintiff does not take advantage of  
15 the opportunity to fix his complaint, a district court may convert the dismissal of the  
16 complaint into dismissal of the entire action.").

17 **IT IS SO ORDERED.**

18 Dated: July 11, 2017

19   
20 Hon. Gonzalo P. Curiel  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28