

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

11 RUDOLF SHTEYNBERG,

12 Plaintiff,

13 v.

14 SAN DIEGO COUNTY JAIL
15 SHERIFF'S DEPARTMENT MEDICAL
16 TEAM,

16 Defendants.

Case No.: 17-CV-1098 JLS (KSC)

ORDER DISMISSING CASE


17
18 On June 12, 2018, this Court screened Plaintiff's complaint and determined the
19 complaint did not contain a short and plain statement of the claim showing that Plaintiff is
20 entitled to relief. (ECF No. 67.) The Court granted Plaintiff leave to file an amended
21 complaint which more concisely describes the allegations against the Defendants. The
22 Court specified that Plaintiff may file an amended complaint within thirty (30) days from
23 that date on which this Order is electronically docketed and noted that "*Should Plaintiff*
24 *fail to file an amended complaint within the time provided, the Court may enter a final*
25 *order dismissing this civil action with prejudice.*" (*Id.* at 6.)

26 On July 13, 2018, Plaintiff had not filed an amended complaint, so the Court ordered
27 Plaintiff to show cause why the case should not be dismissed. (ECF No. 68.) The Court
28 ordered Plaintiff to respond or file an amended complaint on or before August 17, 2018.

1 Plaintiff has not done so. “The failure of the plaintiff eventually to respond to the court’s
2 ultimatum—either by amending the complaint or by indicating to the court that [he] will
3 not do so—is properly met with the sanction of a Rule 41(b) dismissal.” *Edwards v. Marin*
4 *Park*, 356 F.3d 1058, 1065 (9th Cir. 2004). Accordingly, this case is **DISMISSED**
5 **WITHOUT PREJUDICE**. The Clerk of Court **SHALL** close the file.

6 **IT IS SO ORDERED.**

7 Dated: August 20, 2018


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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28