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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NANCY L. FENTON,

Plaintiff,

v.

GREG KIRK; JMK PROPERTIES;
and DOES 1–50,

Defendants.

Case No.: 21-CV-69 JLS (KSC)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

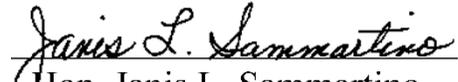
(ECF No. 3)

On February 8, 2021, the Court issued an Order granting Plaintiff Nancy L. Fenton’s Application to Proceed in District Court Without Prepaying Fees or Costs and dismissing without prejudice her Complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2) due to lack of subject-matter jurisdiction. *See generally* ECF No. 3 (the “Order”). The Order granted Plaintiff forty-five days in which to file an amended complaint. *See id.* at 7. Plaintiff was warned that, “[s]hould Plaintiff fail to file an amended complaint within forty-five (45) days, the Court will enter a final Order dismissing this civil action based both on Plaintiff’s failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2) and her failure to prosecute in compliance with a court order requiring amendment.” *Id.* at 7–8 (citation omitted) (emphasis in original). The Court noted that “[s]uch dismissal would be without prejudice to Plaintiff refiling her claims in state court.” *Id.* at 8.

1 More than forty-five days have elapsed since the issuance of the Order, but Plaintiff
2 has not filed an amended complaint; accordingly, the Court **DISMISSES WITHOUT**
3 **PREJUDICE** the above-named action. The Clerk of the Court **SHALL CLOSE** the file.

4 **IT IS SO ORDERED.**

5 Dated: April 26, 2021


6 Hon. Janis L. Sammartino
7 United States District Judge
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