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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Daniel Kirkland,  
Plaintiff  
vs.  
Bally's Hotel and Casino,  
Defendant

Case No.: 2:13-cv-00499-JAD-PAL

**Order**  
**Dismissing Case for Failure to Prosecute**

11 This employment-discrimination action arises out of pro-se plaintiff Daniel Kirkland's  
12 application to work as a poker dealer at Bally's Hotel and Casino.<sup>1</sup> I issued an order to show cause  
13 why this action should not be dismissed for failure to prosecute on September 9, 2014, that required  
14 a response from Kirkland by September 30, 2014.<sup>2</sup> Kirkland was cautioned that, if he failed to  
15 timely or adequately respond to this order, his action would be dismissed without further notice.<sup>3</sup> He  
16 failed to file any response whatsoever. Nor has he otherwise prosecuted this case in any way.

17 Accordingly, it is hereby ORDERED that this case is DISMISSED.

18 The Clerk of Court is instructed to close this case.

19 DATED October 29, 2014.

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Jennifer A. Dorsey  
United States District Judge

25 <sup>1</sup> See Doc. 4 at 2–3. The court liberally construes all pro-se motions and pleadings. See *Bernhardt v. L.A. Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003).

26 <sup>2</sup> Doc. 10 at 1–2.

27 <sup>3</sup> *Id.* at 2.