

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FERNANDO YBARRA,

CASE NO. 3:21 CV 1044

Plaintiff,

v.

JUDGE JAMES R. KNEPP II

I.C. SYSTEM, INC.,

Defendant.

ORDER OF DISMISSAL

Pro se Plaintiff Fernando Ybarra originally brought this case in Norwalk Municipal Court. *See* Doc. 1-1. Defendant IC System, Inc. removed to this Court on the basis of federal question jurisdiction (citing the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* and the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.*). (Doc. 1). It further filed a Motion to Dismiss and/or Motion for More Definitive Statement on March 25, 2021 (Doc. 3).

Plaintiff did not respond to the Motion, nor has he filed anything since the March 2021 removal. This Court denied Defendant’s Motion without prejudice on October 26, 2021, finding it appropriate to give Plaintiff an opportunity to amend his complaint and respond to Defendant’s arguments. (Doc. 5). The Court instructed Plaintiff to file an Amended Complaint on or before November 19, 2021. *Id.* at 4. The Order stated that failure to do so would “result in this case being dismissed for want of prosecution.” *Id.*

It is now November 30, 2021 and Plaintiff has not filed an Amended Complaint.

Therefore, good cause appearing, it is

ORDERED that this case is DISMISSED without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); and the Court

FURTHER CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE