

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JIANGONG LEI,

Plaintiff,

v.

CITY OF LYNDEN,

Defendant.

CASE NO. C14-0650 JCC

ORDER DISMISSING CASE

This matter comes before the Court on Defendants Lynden Chamber of Commerce and Gary Vis's motion to dismiss under Fed. R. Civ. P. 41(b) for failure to prosecute (Dkt. No. 110). The Court has already dismissed the other defendants in this case. (Dkt. No. 63 at 9; Dkt. No. 90 at 19.) In the Court's July 9, 2015 order, in which it granted former defendant City of Lynden's motion for entry of final judgment, the Court held that "[i]f no notice of appeal is filed within sixty days of the date of this order, the claims against the remaining defendants will be dismissed for lack of prosecution." (Dkt. No. 101 at 4.) The Court then extended Plaintiff's deadline to file notice of appeal to December 10, 2015. (Dkt. No. 104 at 2.)

Despite his request for an extension, Plaintiff timely filed a notice of appeal on August 8, 2015. (Dkt. No. 107 at 1.) But Plaintiff failed to perfect his appeal, despite being twice warned by the Ninth Circuit. (Dkt. Nos. 107 and 108.) Consequently, his appeal was dismissed on January 15, 2016. (Dkt. No. 109.) Since then, Plaintiff has done nothing to comply with the

1 Court's previous order. Plaintiff has also failed to oppose Defendants' motion, which may be
2 taken as an admission that their arguments have merit. LCR 7(b)(2).

3 Under Rule 41, "[i]f the plaintiff fails to prosecute or to comply with these rules or a
4 court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P.
5 41(b). Because Plaintiff did not perfect his appeal, he failed to meaningfully comply with the
6 Court's previous order.

7 Defendants' motion (Dkt. No. 110) is therefore GRANTED and this case is DISMISSED.
8 DATED this 11th day of August 2016.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE