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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BRUCE JUSTICE,  
Booking No. 21133981,  
  
Plaintiff,  
  
vs.  
  
UNNAMED DEPUTY SERGEANT, et  
al.,  
  
Defendants.

Case No. 21-cv-2066-MMA (WVG)  
  
**ORDER DISMISSING CIVIL  
ACTION FOR FAILURE  
TO PROSECUTE IN COMPLIANCE  
WITH COURT ORDER**

On December 9, 2021, Bruce Justice (“Plaintiff” or “Justice”), who is proceeding *pro se*, was housed at the George Bailey Detention Facility and filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Doc. No. 1. Plaintiff did not prepay the civil filing fee required by 28 U.S.C. § 1914(a); instead, he filed a Motion to Proceed In Forma Pauperis (“IFP”) pursuant to 28 U.S.C. § 1915(a), along with a Motion to Appoint Counsel. Doc. Nos. 2, 3.

The Court granted Plaintiff’s Motion to Proceed in Forma Pauperis, denied his Motion to Appoint Counsel, dismissed his Complaint pursuant to 28 U.S.C. § 1915(e)(2) and 28 U.S.C. § 1915A(b)(1), and granted him thirty days from the date of the dismissal Order to file a First Amended Complaint. Doc. No. 4.

1 Plaintiff's First Amended Complaint was due on or before February 25, 2022. To  
2 date, he has failed to amend, and has not requested an extension of time in which to do  
3 so. "The failure of the plaintiff eventually to respond to the court's ultimatum—either by  
4 amending the complaint or by indicating to the court that [he] will not do so—is properly  
5 met with the sanction of a Rule 41(b) dismissal." *Edwards v. Marin Park*, 356 F.3d  
6 1058, 1065 (9th Cir. 2004).

7 Accordingly, the Court **DISMISSES** this civil action in its entirety based on  
8 Plaintiff's failure to state a claim upon which § 1983 relief can be granted pursuant to 28  
9 U.S.C. § 1915(e)(2)(B)(ii) and § 1915A(b)(1), and his failure to prosecute as required by  
10 Court's January 25, 2022 Order.

11 The Court further **CERTIFIES** that an IFP appeal would not be taken in good  
12 faith pursuant to 28 U.S.C. § 1915(a)(3) and **DIRECTS** the Clerk to enter a final  
13 judgment of dismissal and close the file.

14 **IT IS SO ORDERED.**

15 Dated: April 28, 2022

16 

17 HON. MICHAEL M. ANELLO  
18 United States District Judge