

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Cavazos v. Ambriz

Cavazos · No. 23-cv-01815-EKL · Decided June 20, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed the action without prejudice after the plaintiff failed to file an amended complaint by the deadline set in the Court’s prior dismissal order. The Court directed that any motion to reopen be accompanied by an amended complaint and ordered the Clerk to close the file.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 20, 2025
DOCKET	23-cv-01815-EKL
DISPOSITION	dismissed
PROCEDURAL POSTURE	After granting Defendants' motion to dismiss with leave to amend, the court dismissed the action without prejudice when Plaintiff failed to file an amended complaint by the deadline.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice when Plaintiff failed to file an amended complaint by the court-ordered deadline after dismissal with leave to amend.

HOLDINGS

1. When a plaintiff fails to file an amended complaint or otherwise comply with the court-ordered deadline following dismissal with leave to amend, the district court may dismiss the matter without prejudice.

KEY QUOTATIONS

“Accordingly, the matter is *DISMISSED* without prejudice for failure to comply with the deadline.” (at 1)

FACTUAL BACKGROUND

The court had previously dismissed Plaintiff's complaint with leave to amend. The amendment deadline passed, but Plaintiff neither filed an amended complaint nor corresponded with the court.

PROCEDURAL HISTORY

On February 24, 2025, the court granted Defendants' motion to dismiss Plaintiff's complaint with leave to amend to cure identified deficiencies. Plaintiff did not file an amended complaint or otherwise communicate with the court by the deadline. The court dismissed the matter without prejudice and directed the Clerk to close the file.

DISPOSITION

dismissed

CASES CITED

- *WMX Technologies v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997)

OPINION

Cavazos v. Ambriz

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 ROBERT CAVAZOS, Case No. 23-cv-01815-EKL 8 Plaintiff,

ORDER OF DISMISSAL

9 v. 10 AMBRIZ, et al., ll Defendants. 12 13 On February 24, 2025, the Court granted Defendants’
motion to dismiss Plaintiff's 14 || complaint with leave to amend to address the deficiencies
identified in its dismissal order. ECF 3 15 No. 30. The deadline has passed, and Plaintiff has not
filed an amended complaint or otherwise a 16 || corresponded with the Court. Accordingly, the
matter is DISMISSED without prejudice for 3 17 || failure to comply with the deadline. See *WMX*
Technologies v. Miller, 104 F.3d 1133, 1136 (9th 18 || Cir. 1997) (holding that further action by
district court is necessary where plaintiff fails to amend 19 || after dismissal with leave to amend).
Any motion seeking to reopen the case must be 20 || accompanied by an amended complaint,
which includes the caption and civil case number used in 21 || this order and the words

AMENDED COMPLAINT on the first page. 22 The Clerk shall close the file. 23 IT IS SO ORDERED. 24 Dated: June 20, 2025 25 Eumik.Lee United States District Judge 28

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