

JS-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ASHLEY LINDSAY SMITHLINE,
Plaintiff,

v.

BRIAN WARNER, et al.,
Defendants.

Case No. 2:21-cv-05289-FLA (MARx)


**ORDER DISMISSING ACTION
WITHOUT PREJUDICE [DKT. 27]**

1 On October 5, 2022, the court granted Plaintiff Ashley Lindsay Morgan
2 Smithline’s (“Plaintiff”) Counsel Jay D. Ellwanger’s Motion to Withdraw
3 Representation, stayed the action, and Ordered Plaintiff to file by December 5, 2022,
4 either: (1) a notice of substitution of counsel, or (2) a status report regarding her
5 readiness to litigate this action in pro se. Dkt. 27. Plaintiff was advised that the court
6 may dismiss the action without prejudice, pursuant to Fed. R. Civ. P. 41(b), if she
7 failed to file a response timely. *Id.* at 2. Plaintiff has not filed a response as of the
8 date of this Order.

9 The court, therefore, DISMISSES this action without prejudice, for Plaintiff’s
10 failure to prosecute the action. *See* Fed. R. Civ. P. 41(b). Defendants Brian Warner
11 and Marilyn Manson Records, Inc.’s (“Defendants”) Motion to Dismiss Plaintiff’s
12 Complaint, Dkt. 28, is DENIED as moot.

13
14 IT IS SO ORDERED.

15
16 Dated: January 3, 2023

17 
18 _____
19 FERNANDO L. AENLLE-ROCHA
20 United States District Judge