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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

SHANNON LEWIS AVERY,		NO. 1:07-cv-01175-OWW-GSA-PC
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATIONS THAT THIS
v.)	ACTION BE DISMISSED FOR
)	FAILURE TO STATE A CLAIM
CDCR DIRECTOR, et al.,)	UPON WHICH RELIEF COULD BE
)	GRANTED
Defendants.)	OBJECTIONS DUE IN THIRTY
_____)	DAYS

Plaintiff is a former state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

By order filed April 20, 2010, the Court issued an order dismissing the operative complaint for failure to state a claim and directing Plaintiff to file an amended complaint within thirty days. On June 7, 2010, Plaintiff was granted a thirty day extension of time in which to file an amended complaint. Plaintiff has not filed an amended complaint.

In the April 20, 2010 order, the Court informed Plaintiff of the deficiencies in his complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the Court will recommend that Plaintiff's complaint be dismissed without leave to amend. See

