

1 Second Amended Complaint. (Dkt. No. 86.) Rather, Plaintiff points out that he is a
2 pro se litigant, which does not relieve him of the burden of stating a claim to relief
3 that is plausible on its face. (*Id.* at 1-2.) Plaintiff also continues to stand by his
4 First Amended Complaint. (*Id.* at 6.)

5 As Plaintiff has elected to stand on the First Amended Complaint, IT IS
6 HEREBY ORDERED that this action is dismissed with prejudice based upon the
7 deficiencies in the First Amended Complaint set out in the Magistrate Judge's June
8 21, 2023 Order which this Court affirmed on August 10, 2023.

9 IT IS FURTHER ORDERED that the Clerk serve copies of this Order on
10 Plaintiff and any counsel for Defendants.

11 IT IS SO ORDERED.

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13 DATED: 2/5/24



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16 HERNAN D. VERA
UNITED STATES DISTRICT JUDGE
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