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5 **UNITED STATES DISTRICT COURT**6 EASTERN DISTRICT OF CALIFORNIA  
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8 JAMES E. SMITH, 1:06-cv-01219-SMS-PC

9 Plaintiff, ORDER DISMISSING ACTION, WITH  
10 vs. PREJUDICE, FOR FAILURE TO STATE A  
11 KNOWLES, et al., CLAIM UPON WHICH RELIEF MAY BE  
GRANTED  
(Doc. 23.)12 Defendants. ORDER FOR CLERK TO CLOSE CASE  
13 /14 Plaintiff James E. Smith (“Plaintiff”) is a state prisoner proceeding pro se and in forma  
15 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on  
16 September 7, 2006. (Doc. 1.) On September 19, 2006, Plaintiff consented to Magistrate Judge  
17 jurisdiction pursuant to 28 U.S.C. § 636(c)(1), and on December 24, 2008, the court reassigned this  
18 action to the undersigned. (Docs. 3, 28.)19 On September 19, 2008, the undersigned dismissed Plaintiff’s complaint for failure to state  
20 a claim upon which relief may be granted and ordered Plaintiff to file an amended complaint within  
21 thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc. 23.) To date, Plaintiff has not complied  
22 with or otherwise responded to the Court’s order. As a result, there is no pleading on file which sets  
23 forth any claims upon which relief may be granted under section 1983.24 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED, with prejudice,  
25 based on Plaintiff’s failure to state any claims upon which relief may be granted under section 1983.  
26 IT IS SO ORDERED.27 Dated: January 27, 200928 /s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE