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7   **UNITED STATES DISTRICT COURT**

8   EASTERN DISTRICT OF CALIFORNIA

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10   JAMES EDWARD CUNHA,   1:07-cv-00619-SMS-PC

11   Plaintiff,   ORDER DISMISSING ACTION, WITH
                                             PREJUDICE, FOR FAILURE TO STATE A
12   v.   CLAIM UPON WHICH RELIEF MAY BE
                                             GRANTED
13   CORCORAN II (CSATF), et al.,
                                             (Doc. 1.)
14   Defendants.

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      _____/
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17   Plaintiff James Edward Cunha ("Plaintiff") is a state prisoner proceeding pro se and in forma

18   pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April

19   24, 2007. (Doc. 1.) On May 3, 2007, Plaintiff consented to Magistrate Judge jurisdiction pursuant

20   to 28 U.S.C. § 636(c)(1), and on November 24, 2008, the court reassigned this action to the

21   undersigned. (Docs. 4, 8.)

22   On November 26, 2008, the undersigned dismissed Plaintiff's complaint for failure to state

23   a claim upon which relief may be granted and ordered Plaintiff to file an amended complaint within

24   thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc. 9.) More than thirty days have passed,

25   and Plaintiff has not complied with or otherwise responded to the Court's order.[1] As a result, there

26   _____

27   [1]The United States Postal Service returned the order on December 12, 2008 as undeliverable. A notation on
      the envelope indicates that plaintiff is not at his address-of-record used by the court. However, plaintiff has not
28   notified the court of any change in his address. Absent such notice, service at a party's prior address is fully
      effective. Local Rule 83-182(f).

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1   is no pleading on file which sets forth any claims upon which relief may be granted under section

2   1983.

3   Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), IT IS HEREBY

4   ORDERED that:

5   1.   This action is DISMISSED, with prejudice, based on Plaintiff's failure to state any

6   claims upon which relief may be granted under section 1983; and

7   2.   The Clerk is directed to close this case.

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10   IT IS SO ORDERED.

11   **Dated: January 23, 2009**   /s/ Sandra M. Snyder
                                                        UNITED STATES MAGISTRATE JUDGE

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