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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONALD W. HATCHER,

Plaintiff,

v.

MADERA COUNTY JAIL, et al.,

Defendants.

CASE NO. 1:07-cv-00803-AWI-SMS PC

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE  
A CLAIM UNDER SECTION 1983

(Docs. 23 and 24 )

ORDER COUNTING DISMISSAL AS A  
STRIKE PURSUANT TO SECTION 1915(G)

Plaintiff Donald W. Hatcher is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June 1, 2007. On July 8, 2010, the Magistrate Judge dismissed Plaintiff’s amended complaint for failure to state any claims upon which relief may be granted, and ordered Plaintiff to file a second amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or otherwise responded to the Court’s order.<sup>1</sup> As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983.

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<sup>1</sup> The order was returned undelivered with a notation that Plaintiff is not located at California State Prison-Lancaster. However, the order was served on Plaintiff at his current address of record with the Court and service is therefore deemed effective. Local Rule 182(f).

1           Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is  
2   HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state any claims upon which  
3   relief may be granted under section 1983.

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5   IT IS SO ORDERED.

6   Dated: September 5, 2010

  
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CHIEF UNITED STATES DISTRICT JUDGE