

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALFRED SANTOS ROCHA,

CASE NO. 1:07-CV-01149-SMS

Plaintiff,

ORDER DISMISSING COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED

KERN COUNTY OFFICER REED,

Defendant.

(Doc. 10)

Plaintiff Alfred Rocha is a state prisoner proceeding pro se and in forma pauperis. In a complaint filed August 8, 2007 (Doc. 1), Plaintiff alleged that a Kern County Sheriff's Department officer used excessive force when arresting Plaintiff on December 31, 2005. Plaintiff consented to the jurisdiction of a U.S. Magistrate Judge on April 8, 2009 (Doc. 9).

On April 1, 2010, this Court dismissed Plaintiff's complaint for failure to state any claim upon which relief may be granted, and granted Plaintiff leave to amend his complaint within thirty days (Doc. 10). Plaintiff neither filed an amended complaint nor responded to the Court's order in any other way. As a result, no pleading remains on file which sets forth any claims upon which relief may be granted under 42 U.S.C. § 1983.

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Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is hereby DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted. The Clerk of Court is hereby directed to close the case.

IT IS SO ORDERED.

Dated: July 8, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE