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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Sean Britt,

Plaintiff,

vs.

C. Nyenke, et al.,

Defendants.

No. CV 1-07-1544-JMR

**ORDER**

In a October 8, 2009 Order (Doc. #14), the Court dismissed Plaintiff’s Complaint for failure to state a claim. The Court gave Plaintiff 30 days to file an amended complaint that cured the deficiencies identified in the Order and warned Plaintiff as follows:

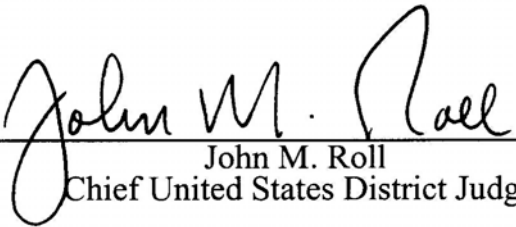
If Plaintiff fails to file an amended complaint within 30 days, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a “strike” under 28 U.S.C. § 1915(g).

More than 30 days have passed since the Court’s October 8, 2009 Order was filed. Plaintiff has not filed an amended complaint. In accordance with the Court’s October 8, 2009 Order, the Court will require the Clerk of Court to enter a judgment of dismissal of this case, with prejudice, for failure to state a claim. This dismissal may count as a “strike” under 28 U.S.C. § 1915(g).

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**IT IS HEREBY ORDERED** that the Clerk of Court must enter a judgment of **dismissal** of this case, **with prejudice**, for failure to state a claim. The Clerk of Court must indicate on the docket that the dismissal may count as a **strike** under 28 U.S.C. § 1915(g).

DATED this 23<sup>rd</sup> day of November, 2009.

  
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John M. Roll  
Chief United States District Judge