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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEVIN F. VOS,

CASE NO. 1:08-cv-00041-SKO PC

Plaintiff,

ORDER DISMISSING ACTION, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

v.

ANTHONY HEDGPETH, et al.,

(Doc. 10)

Defendants.

ORDER COUNTING DISMISSAL AS A STRIKE UNDER 28 U.S.C. § 1915(G)

_____ /
Plaintiff Kevin F. Vos, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 9, 2008. On January 11, 2011, the Court dismissed Plaintiff's amended complaint for failure to state any claims, and ordered Plaintiff to file a second amended complaint within thirty days. 28 U.S.C. § 1915A. On March 11, 2011, the Court granted Plaintiff's motion for a sixty-day extension of time to file a second amended complaint, but deadline has expired and Plaintiff has not complied with or otherwise responded to the Court's order. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

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1 Accordingly, pursuant to 28 U.S.C. § 1915A, this action is HEREBY DISMISSED, with
2 prejudice, based on Plaintiff's failure to state any claims upon which relief may be granted. This
3 dismissal SHALL count as a strike under 28 U.S.C. § 1915(g).

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5 IT IS SO ORDERED.

6 **Dated: June 20, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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