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

Glenn T. Mason,)	No. CV 1-08-307-CKJ
Plaintiff,)	ORDER
vs.)	
Derral G. Adams, et al.,)	
Defendants.)	

In a February 23, 2009 Order (Doc. #12), the Court dismissed Plaintiff's Amended Complaint for failure to state a claim. The Court gave Plaintiff 30 days to file a second amended complaint that cured the deficiencies identified in the Order and warned Plaintiff as follows:

If Plaintiff fails to file a second 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 counts as a "strike" under 28 U.S.C. § 1915(g).

More than 30 days have passed since the Court's February 23, 2009 Order was filed. Plaintiff has not filed a second amended complaint. In accordance with the Court's February 23, 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 counts as a "strike" under 28 U.S.C. § 1915(g).

Accordingly,

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IT IS 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 counts as a **strike** under 28 U.S.C. § 1915(g).

DATED this 3rd day of April, 2009.



Cindy K. Jorgenson
United States District Judge