

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PAUL ANTOINE,

Plaintiff,

v.

M. WITCHER, et al.,

Defendants.

CASE NO. 1:08-cv-00426-LJO-SMS PC

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

(Doc. 7)

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Plaintiff Paul Antoine ("Plaintiff") is a former state prisoner proceeding pro se in this civil action, which was removed from Kern County Superior Court on March 24, 2008, by Defendants Witcher, Meadors, Avalos, Amos, Boyer, and Perez. On September 19, 2008, the Magistrate Judge dismissed Plaintiff's complaint for failure to state any claims upon which relief may be granted and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A. Plaintiff was granted a thirty-day extension of time to amend on October 29, 2008. To date, 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 under section 1983.

Accordingly, pursuant to 28 U.S.C. § 1915A, this action is HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state any claims upon which relief may be granted.

IT IS SO ORDERED.

Dated: January 22, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE