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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

MARCEL E. IEZZI,
CDCR #T-82984,

Plaintiff,

vs.

W. J. SULLIVAN, Warden;
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Defendants.

Civil No. 08-0799 IEG (LSP)

ORDER DISMISSING CASE

I.

PROCEDURAL HISTORY

On June 9, 2008, Plaintiff, an inmate currently incarcerated at the California Substance Abuse Treatment Facility located in Corcoran, California and proceeding pro se, filed a civil rights Complaint pursuant to 42 U.S.C. § 1983 in the Central District of California. Plaintiff did not prepay the \$350 filing fee mandated by 28 U.S.C. § 1914(a) to commence a civil action; instead, he filed a Motion to Proceed *In Forma Pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a) [Doc. No. 3]. Because the allegations in Plaintiff’s Complaint arose from incidents

1 which occurred at Corcoran State Prison, and no named Defendants were alleged to reside in
2 the Central District, this matter was transferred to the Eastern District of California.

3 The Court granted Plaintiff's Motion to Proceed *IFP* on June 16, 2008 [Doc. No. 5]. On
4 November 25, 2008, this matter was reassigned to Chief Judge Irma E. Gonzalez for all further
5 proceedings [Doc. No. 7]. On December 10, 2008, this Court dismissed Plaintiff's Complaint
6 without prejudice for failing to state a claim and for seeking money damages against immune
7 Defendants pursuant to 28 U.S.C. § 1915(e)(2) & § 1915A(b). Plaintiff was granted forty five
8 (45) days leave to file a First Amended Complaint. That time has passed and Plaintiff has not
9 filed an Amended Complaint.

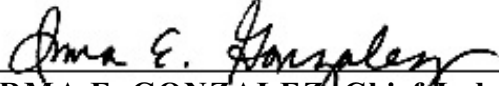
10 **II.**

11 **CONCLUSION AND ORDER**

12 Good cause appearing, **IT IS HEREBY ORDERED** that:

13 This action is **DISMISSED** without prejudice for all the reasons stated in the Court's
14 previous Order and for failing to comply with the Court's December 10, 2008 Order. The Clerk
15 shall enter judgment accordingly and close the file.

16
17 **DATED: February 12, 2009**

18 
19 **IRMA E. GONZALEZ, Chief Judge**
20 **United States District Court**