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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO DIVISION**

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13 WILLIE TATUM,  
14 CDCR #J-04606,

15 Plaintiff,

16 Civil No. 08cv0925 JAH (PCL)

17 vs.  
18 W.J. McGuinness, et al.,

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20 **ORDER DISMISSING ACTION**

21 Defendants.

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27 **I.**

28 **PROCEDURAL HISTORY**

29 On June 19, 2008, Plaintiff, an inmate currently incarcerated at the California State Prison  
30 located in Corcoran, California and proceeding pro se, filed a civil rights Complaint pursuant  
31 to 42 U.S.C. § 1983. Plaintiff did not prepay the \$350 filing fee mandated by 28 U.S.C.  
32 § 1914(a) to commence a civil action; instead, he filed a Motion to Proceed *In Forma Pauperis*  
33 (“IFP”) pursuant to 28 U.S.C. § 1915(a) [Doc. No. 2].

34 The Court granted Plaintiff’s Motion to Proceed *IFP* on July 31, 2008 [Doc. No. 10]. On  
35 November 25, 2008, this matter was reassigned to District Judge John A. Houston for all further

1 proceedings [Doc. No. 11]. Plaintiff filed a First Amended Complaint (“FAC”) on December  
2 17, 2008 [Doc. No. 12].

3 On January 14, 2009, this Court dismissed Plaintiff’s First Amended Complaint without  
4 prejudice for failing to state a claim pursuant to 28 U.S.C. § 1915(e)(2) & § 1915A(b). *See* Jan.  
5 14, 2009 Order at 5-6. Plaintiff was granted forty five (45) days leave to file a First Amended  
6 Complaint. *Id.* That time has passed and Plaintiff has not filed an Amended Complaint.

7 **II.**

8 **CONCLUSION AND ORDER**

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

10 This action is **DISMISSED** without prejudice for all the reasons stated in the Court’s  
11 previous Order and for failing to comply with the Court’s January 14, 2009 Order. The Clerk  
12 shall enter judgment accordingly and close the file.

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14 DATED: April 1, 2009

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16 JOHN A. HOUSTON  
17 United States District Judge

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