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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSSELL A. BOWDEN,

1:08-cv-01835-SMS-PC

Plaintiff,

ORDER DISMISSING THIS ACTION, WITH
PREJUDICE, FOR FAILURE TO OBEY A
COURT ORDER AND FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY BE
GRANTED
(Doc.1.)

v.

CLARK,

Defendant.

ORDER FOR THIS DISMISSAL TO COUNT
AS A STRIKE PURSUANT TO 28 U.S.C. §
1915(g)

ORDER FOR CLERK TO CLOSE CASE

_____ /

Plaintiff Russell A. Bowden (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 1, 2008. (Doc. 1.) On December 10, 2008, plaintiff consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 6.)

On January 15, 2010, the undersigned dismissed Plaintiff’s complaint for failure to state a claim upon which relief may be granted and gave Plaintiff leave to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.7.) 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.

1 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), IT IS HEREBY
2 ORDERED that:

- 3 1. This action is DISMISSED, with prejudice, based on Plaintiff's failure to obey a
4 court order and plaintiff's failure to state any claims upon which relief may be granted
5 under § 1983;
- 6 2. This dismissal shall count as a strike under 28 U.S.C. § 1915(g); and
- 7 3. The Clerk is DIRECTED to close this case.

8
9
10 IT IS SO ORDERED.

11 **Dated:** March 5, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE