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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CURTIS THOMPSON,

Plaintiff,

v.

KENNETH LOW, et al.,

Defendants.

CASE NO. 1:09-cv-00687-GBC PC

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE A  
CLAIM

ORDER COUNTING DISMISSAL AS A  
STRIKE UNDER 28 U.S.C. § 1915(G)

Plaintiff Curtis Thompson (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The action was filed on April 3, 2009, in the Eastern District of California. An order to transfer to the Fresno Division was entered on April 17, 2009.

On order was issued on October 26, 2010, dismissing the first amended complaint, with leave to file a second amended complaint within thirty days.<sup>1</sup> 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was warned that if he failed to file a second amended complaint in compliance with the order, this action would be dismissed, with prejudice, for failure to state any claims.

More than thirty days have passed and 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.

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<sup>1</sup>The United States Postal Service returned the order on November 15, 2010, as undeliverable. A notation on the envelope indicates that Plaintiff has been paroled. However, Plaintiff has not notified the Court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 182(f).

1           Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is  
2   HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state any claims upon which  
3   relief may be granted. The Clerk's Office SHALL enter judgment against Plaintiff. This dismissal  
4   SHALL count as a strike under 28 U.S.C. § 1915(g).

5           IT IS SO ORDERED.

6   Dated: December 14, 2010

  
UNITED STATES MAGISTRATE JUDGE