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2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE EASTERN DISTRICT OF CALIFORNIA

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6 RACHEL ROSQUIST,

7 Plaintiff,

1: 09 CV 01309 MJS (PC)

8 vs.

ORDER DISMISSING ACTION

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10 MARY LATAMORE, et al.,

11 Defendants.

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14 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42

15 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §

16 636(c)(1).

17 By order filed March 15, 2010, the operative complaint was dismissed for failure

18 to state a claim. Plaintiff was granted leave to file an amended complaint, and directed to do so

19 within thirty days. Plaintiff has not filed an amended complaint.

20 In the March 15, 2010, order the Court informed Plaintiff of the deficiencies in his

21 complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim

22 upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the

23 Court dismisses the claims made in the original complaint with prejudice for failure to state a

24 federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448

25 (9th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to

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1 dismissing for failure to state a claim).

2 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure
3 to state a claim upon which relief can be granted. The Clerk is directed to close this case.

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7 IT IS SO ORDERED.

8 **Dated:** May 4, 2010

 /s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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