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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JAMES M. REIBER,

Plaintiff,

v.

DURAN, et al.,

Defendants.

CASE NO. 1:09-cv-01827-GBC PC

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE  
A CLAIM, AND DIRECTING CLERK'S  
OFFICE TO ENTER JUDGMENT

(Doc. 8)

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Plaintiff James M. Reiber, a state prisoner proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 on October 19, 2009. On October 13, 2010, the Court issued an order dismissing the complaint for failure to state a claim upon which relief may be granted and requiring Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was warned that if he failed to file an 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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