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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 EBONIQUE BRIGGS,

CASE NO. 1:09-cv-02032-SKO PC

10 Plaintiff,

ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE
ANY CLAIMS UPON WHICH RELIEF
MAY BE GRANTED

11 v.

12 ZAFAR PARVEZ,

(Docs. 1 and 6)

13 Defendant.

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

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16 Plaintiff Ebonique Briggs, a state prisoner proceeding pro se and in forma pauperis, filed this
17 civil rights action pursuant to 42 U.S.C. § 1983 on November 19, 2009. On February 3, 2011, the
18 Court dismissed Plaintiff's complaint for failure to state any claims and ordered Plaintiff to file an
19 amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff
20 has not complied with or otherwise responded to the Court's order. As a result, there is no pleading
21 on file which sets forth any claims upon which relief may be granted.

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Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state any claims upon which relief may be granted under section 1983. This dismissal SHALL count as a strike under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated: April 15, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE