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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

|                       |                      |                                     |
|-----------------------|----------------------|-------------------------------------|
| JEFFREY WORKS,        | 1:10-cv-00121-GSA-PC |                                     |
| Plaintiff,            |                      | ORDER DISMISSING THIS ACTION, WITH  |
| v.                    |                      | PREJUDICE, FOR FAILURE TO STATE A   |
| MATTHEW CATE, et al., |                      | CLAIM UPON WHICH RELIEF MAY BE      |
|                       |                      | GRANTED                             |
| Defendants.           |                      | (Doc. 1.)                           |
|                       |                      | ORDER FOR THIS DISMISSAL TO COUNT   |
|                       |                      | AS A STRIKE PURSUANT TO 28 U.S.C. § |
|                       |                      | 1915(g)                             |
|                       |                      | ORDER FOR CLERK TO CLOSE CASE       |

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Plaintiff Jeffrey Works (“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 January 25, 2010. (Doc. 1.) On February 5, 2010, Plaintiff consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 5.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

On March 22, 2011, 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.8.) Plaintiff was granted three thirty-

1 day extensions of time to file the amended complaint. (Docs. 10, 12, 14.) The latest thirty-day time  
2 period has expired, and Plaintiff has not complied with or otherwise responded to the Court's order.  
3 As a result, there is no pleading on file which sets forth any claims upon which relief may be granted  
4 under section 1983.

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

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

11 IT IS SO ORDERED.

12 Dated: August 11, 2011

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE