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

THOMAS J. GABBA,

CASE NO. 1:10-cv-00414-LJO-GBC

Plaintiff,

ORDER DISMISSING COMPLAINT FOR  
FAILURE TO STATE A CLAIM UNDER  
SECTION 1983

v.

ARNOLD SCHWARZENEGGER, et al.,

(Docs. 1, 13)

Defendants.

\_\_\_\_\_ /

Plaintiff Thomas J. Gabba (“Plaintiff”) is a civil detainee involuntarily committed pursuant to California’s Sexually Violent Predator Act (“SVPA”), Cal. Welf. & Inst. Code § 6600, et seq., and is proceeding in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1). Plaintiff is proceeding pro se and in forma pauperis in this action. (Doc. 10). On March 9, 2010, Plaintiff filed the original complaint. (Doc. 1). On August 3, 2011, the Magistrate Judge dismissed Plaintiff’s complaint for failure to state any claims, and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915(e). (Doc. 13). To date, 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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1           Accordingly, pursuant to 28 U.S.C. § 1915(e), this action is HEREBY DISMISSED, with  
2 prejudice, based on Plaintiff's failure to state any claims upon which relief may be granted under  
3 section 1983. (Docs. 1, 13).

4           IT IS SO ORDERED.

5 **Dated:** September 7, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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