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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES BOONE,

Plaintiff,

v.

FRESNO COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

CASE NO. 1:10-cv-00601-GBC (PC)

ORDER DISMISSING CASE WITH
PREJUDICE FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF COULD BE
GRANTED

CLERK TO CLOSE CASE

ORDER

Plaintiff James Boone is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 1, 2011, the Court screened Plaintiff's Complaint and found that it failed to state any claims upon which relief could be granted. (ECF No. 10.) The Court dismissed Plaintiff's Complaint and ordered him to file an amended complaint within thirty days. (Id.) Plaintiff was warned that failure to comply with the Court's Order may result in dismissal of this action for failure to state a claim upon which relief could be granted. (Id.)

On May 20, 2011, the Court issued an Order to Show Cause. (ECF No. 11.) The Show Cause Order again warned Plaintiff that the case would be dismissed if Plaintiff failed to respond to the Order and/or file an amended complaint by June 27, 2011. (Id.) To date, the Court has not received a response to the Show Cause Order and Plaintiff has not filed an amended complaint. As a result, there is no pleading on file which sets forth

1 any claims upon which relief may be granted.

2 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
3 HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state any claims upon
4 which relief may be granted under Section 1983. This dismissal SHALL count as a
5 STRIKE under 28 U.S.C. § 1915(g). The Clerk shall close the case.

6 IT IS SO ORDERED.

7 Dated: July 8, 2011


UNITED STATES MAGISTRATE JUDGE

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