UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWARD FRANCIS LUEVANO,

Plaintiff,

v.

DR. JACK ST. CLAIR, et al.,

Defendants.

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CASE NO. 1:10-cv-00632-SKO PC

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

(Docs. 1 and 11)

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

Plaintiff Edward Francis Luevano, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 8, 2010. On May 6, 2011, the Court 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. § 1915A; 28 U.S.C. § 1915(e). 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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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. This dismissal SHALL count as a strike under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated: June 28, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE