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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SHERRY MINEAR,

Plaintiff,

v.

TAFT FCI, et al.,

Defendants.

CASE NO. 1:10-cv-00901-GBC PC

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE A  
CLAIM

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

Plaintiff Sherry Minear (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. On October 25, 2010, the complaint was dismissed, with leave to amend, for failure to state a claim. (Doc. 10.) Plaintiff was warned that if she failed to file an amended complaint in compliance with the order, this action would be dismissed, with prejudice, for failure to state any claims. On December 2, 2010, Plaintiff filed a motion for a thirty day extension of time to file the amended complaint. (Doc. 14.) On December 14, 2010, the Court granted an extension of time and Plaintiff was ordered to file an amended complaint within thirty days. (Doc. 15.)

More than thirty days have passed and 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.

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

1 relief may be granted. The Clerk's Office SHALL enter judgment against Plaintiff. This dismissal  
2 SHALL count as a strike under 28 U.S.C. § 1915(g).

3 IT IS SO ORDERED.

4 Dated: January 28, 2011

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UNITED STATES MAGISTRATE JUDGE

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