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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LEWIS THOMPSON,

Plaintiff,

v.

MATA, et al.,

Defendants.

CASE NO. 1:10-cv-00924-SKO PC

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE  
A CLAIM UPON WHICH RELIEF MAY  
BE GRANTED UNDER SECTION 1983

(Docs. 1 and 10)

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

Plaintiff Lewis Thompson, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 24, 2010. On May 13, 2011, the Court dismissed Plaintiff's complaint with leave to amend 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 a claim 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 a claim upon which relief

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1 may be granted under section 1983. This dismissal SHALL count as a strike under 28 U.S.C. §  
2 1915(g).

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4 IT IS SO ORDERED.

5 **Dated: July 12, 2011**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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