

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
78 EASTERN DISTRICT OF CALIFORNIA  
9

10 ANTONIO J. MARTINEZ,

CASE NO. 1:10-cv-00962-OWW-SKO PC

11 v. Plaintiff,

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

12 A. ENENMOH, et al.,

(Docs. 4 and 14)

13 Defendants.

14 ORDER COUNTING DISMISSAL AS A  
STRIKE UNDER 28 U.S.C. § 1915(G)  
15 /16 Plaintiff Antonio J. Martinez, a state prisoner proceeding pro se and in forma pauperis, filed  
17 this civil rights action pursuant to 42 U.S.C. § 1983 on May 17, 2010. On May 16, 2011, the Court  
18 dismissed Plaintiff's amended complaint with leave to amend within thirty days. 28 U.S.C. §  
19 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or otherwise responded to the  
20 Court's order. As a result, there is no pleading on file which sets forth a claim upon which relief  
21 may be granted.22 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is  
23 HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief

24 ///

25 ///

26 ///

27 ///

28 ///

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

3  
4  
5 IT IS SO ORDERED.

6 **Dated: July 14, 2011**

/s/ **Oliver W. Wanger**  
7 UNITED STATES DISTRICT JUDGE