

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTONIO J. MARTINEZ,

Plaintiff,

v.

A. ENENMOH, et al.,

Defendants.

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

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

(Docs. 4 and 14)

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

Plaintiff Antonio J. Martinez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 17, 2010. On May 16, 2011, the Court dismissed Plaintiff's amended 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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5 IT IS SO ORDERED.

6 **Dated: July 14, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE