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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RUSSELL KING,

Plaintiff,

v.

WADDLE, et al.,

Defendants.

CASE NO. 1:10-cv-02201-BAM PC

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

ORDER THAT DISMISSAL IS SUBJECT TO
28 U.S.C. § 1915(G)

Plaintiff Russell King is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The action was filed on November 29, 2010. On December 15, 2010, Plaintiff consented to the jurisdiction of the Magistrate Judge.

An order was issued on February 13, 2012, dismissing the complaint, with leave to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was warned that if he failed to file an amended complaint in compliance with the order, this action would be dismissed, with prejudice, for failure to state any claims.

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

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1 relief may be granted. The Clerk’s Office SHALL enter judgment against Plaintiff. This dismissal
2 is subject to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). Silva v. Vittorio, No. 08-
3 15620, 2011 WL 4436248, at *4 (9th Cir. Sept. 26, 2011).

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5 IT IS SO ORDERED.

6 **Dated: April 3, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE