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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT BARBER

CASE NO. 1:11-cv-00130-GBC (PC)

Plaintiff,

v.

ORDER DISMISSING ACTION WITH
PREJUDICE FOR FAILURE TO STATE A
CLAIM

C. KING,

Defendant.

_____ /

I. Procedural History

Scott Barber (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis, in this civil rights action pursuant to 42 U.S.C. § 1983. On January 25, 2011, Plaintiff filed the original complaint. Doc. 1. On September 18, 2012, the Court dismissed the action and required Plaintiff to file an amended complaint within thirty days. Doc. 8. 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.

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1 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the Court HEREBY
2 ORDERS that:

- 3 1. this action is DISMISSED, with prejudice, based on Plaintiff's failure to state any
4 claims upon which relief may be granted (Doc. 1; Doc. 8); and
5 2. The Clerk's Office is directed to enter judgment against Plaintiff.

6
7 IT IS SO ORDERED.

8 Dated: November 1, 2012

9 
UNITED STATES MAGISTRATE JUDGE