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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY DEWITT HUNTER,

Plaintiff,

v.

CASE NO. 1:11-cv-00237-GBC (PC)

ORDER DISMISSING PLAINTIFF'S ACTION
WITH PREJUDICE FOR FAILURE TO
STATE A CLAIM

K. HARRINGTON, et al.,

Defendants.

CLERK TO CLOSE CASE

_____ /

ORDER

Plaintiff Leroy Dewitt Hunter ("Plaintiff") is state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 10, 2011, the Court dismissed Plaintiff's original complaint, with leave to amend, for failure to state a claim. (ECF No. 8.) Plaintiff was ordered to file an amended complaint within thirty days.

(Id.) Plaintiff also was warned that failure to comply with the Court's Order may result in dismissal of this action for failure to state a claim upon which relief could be granted. (Id.)

On July 20, 2011, the Court issued a Show Cause Order. (ECF No. 9.) The Show Cause Order again warned Plaintiff that the case would be dismissed if Plaintiff failed to respond to the Order and/or file an amended complaint by August 25, 2011. (Id.) To date,

1 the Court has not received a response to the Show Cause Order and Plaintiff has not filed
2 an amended complaint. As a result, there is no pleading on file which sets forth any claims
3 upon which relief may be granted.

4
5 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the Court
6 HEREBY DISMISSES Plaintiff's action, with prejudice, based on Plaintiff's failure to state
7 any claims upon which relief may be granted under Section 1983.

8 IT IS SO ORDERED.

9 Dated: September 2, 2011


UNITED STATES MAGISTRATE JUDGE

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