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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM ELLIOTT,

Plaintiff,

v.

NEYBARTH, et al.,

Defendants.

CASE NO. 1:11-cv-00294-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 William Elliott is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on February 18, 2011. On March 11, 2011, Plaintiff consented to the jurisdiction of the Magistrate Judge.

An order was issued on March 7, 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. On April 2, 2012, Plaintiff was granted an extension of time until May 7, 2012, to file his amended complaint.

The deadline for Plaintiff to file his amended complaint has 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 relief may be granted. The Clerk’s Office **SHALL** enter judgment against Plaintiff. This dismissal

1 is subject to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). Silva v. Vittorio, No. 08-
2 15620, 2011 WL 4436248, at *4 (9th Cir. Sept. 26, 2011).

3 IT IS SO ORDERED.

4 **Dated: May 21, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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