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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRYAN HABIBI,

Plaintiff,

v.

V. JOSEPH, et al.,

Defendants.

CASE NO. 11-cv-00823-SKO PC

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

(Docs. 1 and 6)

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

Plaintiff Bryan Habibi, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 20, 2011. On March 29, 2012, the Court dismissed Plaintiff’s complaint for failure to state a claim and ordered Plaintiff to file an amended complaint 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.<sup>1</sup> 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 a claim upon which relief

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<sup>1</sup> On April 10, 2012, the United States Postal Service returned the order as undeliverable. A notation on the envelope indicates that Plaintiff has been discharged on parole. However, Plaintiff has not notified the Court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 182(f).

1 may be granted under section 1983. This dismissal is subject to the “three-strikes” provision set  
2 forth in 28 U.S.C. § 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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6 IT IS SO ORDERED.

7 **Dated:** May 25, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE