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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ALFREDO MORENO,

CASE NO. 1:12-cv-00025-SKO PC

Plaintiff,

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

v.

MATTHEW L. CATES, et al.,

(Docs. 1 and 8)

Defendants.

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

Plaintiff Alfredo Moreno, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 5, 2012. On November 1, 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). On November 21, 2012, Plaintiff's motion for a sixty-day extension of time to amend was granted. However, more than sixty 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 a claim upon which relief

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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. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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5 IT IS SO ORDERED.

6 **Dated: February 20, 2013**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE