1			
2			
3			
4		UNITED STATES	DISTRICT COURT
5	EASTERN DISTRICT OF CALIFORNIA		
6			
7			
8			
9			
10	DONNY WHITE,		Case No.1:12 cv 00454 GSA PC
11			Case NO.1.12 CV 00454 USA FC
	Plaintiff,		
12	vs.		ORDER DISMISSING ACTION
13			
14	J. WALKER, ET AL.,		
14	Defendant		

Plaintiff is a former state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1).

By order filed March 17, 2015, the operative complaint was dismissed for failure to state a claim. Plaintiff was granted leave to file an amended complaint, and directed to do so within thirty days. Plaintiff has not filed an amended complaint.

In the March 17, 2015, order the Court informed Plaintiff of the deficiencies in his complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the Court dismisses the claims made in the original complaint with prejudice for failure to state a federal claim upon which the court could grant relief. <u>See Noll v. Carlson</u>, 809 F. 2d 1446, 1448

1	(9 th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to			
2	dismissing for failure to state a claim).			
3	Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure to state			
4	a claim upon which relief can be granted. The Clerk is directed to close this case.			
5				
6	IT IS SO ORDERED.			
7	Dated: <u>April 30, 2015</u>			
8	<u>/s/ Gary S. Austin</u>			
9	UNITED STATES MAGISTRATE JUDGE			
10				
11				
12				
13				
14				
15				
16 17				
17				
10				
20				
21				
22				
23				
24				
25				
26				
27				
28	2			