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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIQUE DIAZ

1:12-cv-00732-SAB (PC)

Plaintiff,

ORDER DISMISSING THIS ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM

vs.

CAPTAIN VASQUEZ, et al.,

(ECF Nos. 17 & 20.)

Defendants.

_____ /

Plaintiff Miguel Enrique Diaz (“Plaintiff”), a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983, filed this action on May 4, 2012. (ECF No. 1.)

On November 9, 2012, the Court issued an order dismissing the complaint with leave to amend. (ECF No. 17.) In this order, Plaintiff received notice that the failure to file an amended complaint would result in the dismissal of his action with prejudice for failure to state a claim. (ECF No. 17.) On January 7, 2013, the Court granted a thirty-day extension for Plaintiff to file an amended complaint. (ECF No. 20.) The thirty-day period has now expired, 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.

1 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), it is HEREBY
2 ORDERED that this action BE DISMISSED, with prejudice, based on Plaintiff's failure to state any
3 claims upon which relief may be granted.

4 IT IS SO ORDERED.

5 **Dated: February 25, 2013**


UNITED STATES MAGISTRATE JUDGE

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