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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 RONALD LEE WHITE,

NO. 1:12-cv-00857-GSA-PC

11 Plaintiff,

ORDER DISMISSING ACTION

12 v.

13 JAMES HARTLEY, et al.,

14 Defendants.
15 _____

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17 Plaintiff is a former state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42
18 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §
19 636(c)(1).

20 By order filed December 6, 1012, the operative complaint was dismissed for failure to
21 state a claim. On December 26, 2012, Plaintiff filed a Notice of Change of Address, indicting his
22 release from custody. On January 15, 2013, Plaintiff was granted a thirty day extension of time
23 in which to file an amended complaint. Plaintiff has not filed an amended complaint.

24 In the December 6, 1012, order the Court informed Plaintiff of the deficiencies in his
25 complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim
26 upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the
27 Court dismisses the claims made in the original complaint with prejudice for failure to state a
28 federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448

1 (9th 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.

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9 IT IS SO ORDERED.

10 **Dated: February 19, 2013**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE