1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 HASSAN ABPIKAR, Case No.: 1:12-cv-01076-SAB (PC) 12 ORDER DISMISSING ACTION, WITH Plaintiff, PREJUDICE. FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY 13 v. **BE GRANTED UNDER SECTION 1983** 14 SERGEANT LOGAN, et al., [ECF No. 12] 15 Defendants. ORDER THAT DISMISSAL IS SUBJECT TO 28 U.S.C. § 1915(G) 16 Plaintiff Hassan Abpikar is a prisoner in the custody of the Federal Bureau of Prisons ("BOP"). 17 Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six 18 19 Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). Pursuant to 28 U.S.C. § 636(c), Plaintiff 20 consented to the jurisdiction of the United States Magistrate Judge on July 23, 2012. Local Rule 302. 21 On October 15, 2013, the Court dismissed Plaintiff's second amended complaint for failure to state a claim and ordered Plaintiff to file a third amended complaint within thirty days. 28 U.S.C. § 22 23 1915A; 28 U.S.C. § 1915(e). More than thirty days have passed and Plaintiff has not complied with or 24 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. 25 26 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

27

28

///

1	may be granted under section 1983. This dismissal is subject to the "three-strikes" provision set forth	
2	in 28 U.S.C. § 1915(g). Silva v. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).	
3		
4	IT IS SO ORDERED.	SIP
5	Dated: December 6, 2013	July N. Lave
6		UNITED STATES MAGISTRATE JUDGE
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		