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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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10 ANDREW LEAR,

11 Plaintiff,

12 vs.

13 DR. CONANAN, ET AL.,

14 Defendant

Case No.1:12 cv 01170 GSA PC

ORDER DISMISSING ACTION

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16 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C.
17 § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §
18 636(c)(1).
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20 By order filed March 17, 2015, the operative complaint was dismissed for failure to state
21 a claim. Plaintiff was granted leave to file an amended complaint, and directed to do so within
22 thirty days. Plaintiff has not filed an amended complaint.¹
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26 ¹ The United States Postal Service returned the order on March 23, 2013, as undeliverable. A
27 notation on the envelope indicates that Plaintiff was discharged. However, Plaintiff has not notified the Court of any
28 change in his address. Absent such notice, service at a party's prior address is fully effective. Local Rule 182(f).

1 In the March 17, 2015, order the Court informed Plaintiff of the deficiencies in his
2 complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim
3 upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the
4 Court dismisses the claims made in the original complaint with prejudice for failure to state a
5 federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448
6 (9th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to
7 dismissing for failure to state a claim).

8 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure to state
9 a claim upon which relief can be granted. The Clerk is directed to close this case.

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11 IT IS SO ORDERED.

12 Dated: April 30, 2015

13 /s/ Gary S. Austin

14 UNITED STATES MAGISTRATE JUDGE
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