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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**
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8
9 IVAN MOSCOSO CHAVEZ

10 Plaintiff,

11 v.

12 B. WAGNER, et al.,

13 Defendants.
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) 1:12-cv-01247-BAM (PC)

)
) ORDER DISMISSING ACTION WITH
) PREJUDICE FOR FAILURE TO STATE A
) CLAIM

)
) ORDER THAT DISMISSAL IS SUBJECT
) TO 28 U.S.C. § 1915(g)
)
)
)

16 Plaintiff Ivan Moscoso Chavez (“Plaintiff”) is a former federal prisoner proceeding pro se
17 and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of
18 Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). This action was filed on July
19 31, 2012. Plaintiff consented to the jurisdiction of the Magistrate Judge.

20 On October 9, 2013, the Court dismissed the complaint, with leave to file an amended
21 complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was warned
22 that if he failed to file an amended complaint in compliance with the order, this action would be
23 dismissed with prejudice for failure to state any claims.

24 The deadline for Plaintiff to file his amended complaint has passed and Plaintiff has not
25 complied with or otherwise responded to the Court’s order. As a result, there is no pleading on
26 file which sets forth any claims upon which relief may be granted.

27 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
28 **HEREBY DISMISSED** with prejudice based on Plaintiff’s failure to state any claims upon

1 which relief may be granted. The Clerk's Office SHALL enter judgment against Plaintiff. This
2 dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. § 1915(g). Silva v. Di
3 Vittorio, 658 F.3d 1090, 1098 (9th Cir. 2011).

4 IT IS SO ORDERED.

5 Dated: November 19, 2013

6 /s/ Barbara A. McAuliffe
7 UNITED STATES MAGISTRATE JUDGE
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