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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE PELAYO,

Plaintiff,

v.

K. SANTORO, et al.,

Defendants.

Case No. 1:12-cv-01274-SKO PC

ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE
A CLAIM UPON WHICH RELIEF MAY
BE GRANTED UNDER SECTION 1983

(Docs. 1, 7 and 11)

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

Plaintiff Jose Pelayo, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 6, 2012. On March 13, 2013, the Court dismissed Plaintiff's complaint for failure to state a claim and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). On March 29, 2013, Plaintiff was granted a ninety-day extension of time and on June 26, 2013, Plaintiff was granted a thirty-day extension of time. However, more than thirty days have passed 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.

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

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1 relief may be granted under section 1983. This dismissal is subject to the “three-strikes” provision
2 set forth in 28 U.S.C. § 1915(g). *Silva v. Di Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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IT IS SO ORDERED.

Dated: September 27, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE