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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERTO HERRERA,
Plaintiff,
v.
JEFFREY WANG, et al.,
Defendants.

Case No. 1:12-cv-01866-DLB (PC)
ORDER DISMISSING THIS ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM
(ECF No. 14)

Plaintiff Roberto Herrera (“Plaintiff”) is a state prisoner appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 20, 2013, the Court issued an order dismissing the complaint for failure to state a claim. (ECF No. 14.) Plaintiff was given thirty days to file an amended complaint and was cautioned that the failure to do so would result in the dismissal of this action for failure to obey a court order and failure to state a claim. More than thirty days has 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, IT IS HEREBY ORDERED that:

1. This action is dismissed, with prejudice, based on Plaintiff’s failure to state a claim upon which relief may be granted under section 1983;

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2. This dismissal is subject to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). *Silva v. Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011); and

3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: November 13, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE