UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ROBERTO HERRERA.

Case No.1:12 cv 01915 GSA PC

ORDER DISMISSING ACTION

Plaintiff,

vs.

G. ADAME, ET AL.,

Defendant

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1).

By order filed April 3, 2013, the operative complaint was dismissed for failure to state a claim. Plaintiff was granted leave to file an amended complaint, and directed to do so within thirty days. On May 2, 2013, Plaintiff was granted a thirty day extension of time. Plaintiff has not filed an amended complaint.

In the April 3, 2013, order the Court informed Plaintiff of the deficiencies in his complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the Court dismisses the claims made in the original complaint with prejudice for failure to state a federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448

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1	(9 th Cir. 1987) (prisoner must be given notice	of deficienci	ies and opportunity to amer	nd prior to
2	dismissing for failure to state a claim).			
3	Accordingly, IT IS HEREBY ORDER	RED that this	action is dismissed for fail	ure to state
4	a claim upon which relief can be granted. Th			
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8	IT IS SO ORDERED.			
9		Dated:	June 12, 2013	/s/
10	Gary S. Austin	UNITED STATES MAGISTRATE JUDGE		
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