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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LENOARD TALLEY,
12 Plaintiff,
13 vs.
14 A. WALKER, et al.,
15 Defendants.
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1:12-cv-01995-GSA-PC

ORDER DISMISSING CASE, WITH
PREJUDICE, FOR FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED
(Doc. 7.)

ORDER THAT THIS DISMISSAL IS
SUBJECT TO THE "THREE-
STRIKES" PROVISION SET FORTH
IN 28 U.S.C. § 1915(g)

ORDER FOR CLERK TO CLOSE
CASE

22 Lenoard Talley ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis,
23 filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 7, 2012. (Doc. 1.) On
24 December 20, 2012, Plaintiff consented to Magistrate Judge jurisdiction in this action pursuant
25 to 28 U.S.C. § 636(c), and no other parties have made an appearance. (Doc. 5.) Therefore,
26 pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the
27 undersigned shall conduct any and all proceedings in the case until such time as reassignment
28 to a District Judge is required. Local Rule Appendix A(k)(3).

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2 The court screened the Complaint pursuant to 28 U.S.C. § 1915A and issued an order
3 on September 16, 2013, requiring Plaintiff to either file an Amended Complaint or notify the
4 court of his willingness to proceed with the claims found cognizable by the court. (Doc. 6.)
5 On October 4, 2013, Plaintiff filed the First Amended Complaint. (Doc. 7.) On May 15, 2014,
6 the Court dismissed the First Amended Complaint for failure to state a claim, with leave to file
7 a Second Amended Complaint within thirty days. (Doc. 9.) To date, Plaintiff has not filed a
8 Second Amended Complaint or otherwise responded to the court's order. As a result, there is
9 no pleading on file which sets forth any claims upon which relief may be granted.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
12 DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon
13 which relief may be granted under section 1983;
- 14 2. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
15 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098 (9th Cir. 2011); and
- 16 3. The Clerk of Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: June 25, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE