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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL MITCHELL,

 Plaintiff,

 v.

DEPTNER, et al.,

 Defendants.

Case No. 1:13-cv-01062-DLB PC

**ORDER TO DISMISS THIS ACTION,
WITH PREJUDICE, FOR FAILURE TO
STATE A CLAIM**

(ECF No. 9)

Plaintiff James Michel Mitchell (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 23, 2014, the Court issued an order dismissing the complaint, with leave to amend, for failure to state a claim. (ECF No. 9.) 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 state a claim. *Id.* 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 be dismissed, with prejudice, based on Plaintiff’s failure to state a claim;
- and

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

IT IS SO ORDERED.

Dated: June 23, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE