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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 FRED GOMEZ,

12 Plaintiff,

13 vs.

14 M. WEST, et al.,

15 Defendants.
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1:13-cv-01126-GSA-PC

ORDER DISMISSING CASE, WITH
PREJUDICE, FOR FAILURE TO STATE
A CLAIM UPON WHICH RELIEF MAY
BE GRANTED
(Doc. 6.)

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

ORDER FOR CLERK TO CLOSE CASE

19 Fred Gomez ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action
20 pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on July 22,
21 2013. (Doc. 1.) On August 22, 2013, Plaintiff consented to Magistrate Judge jurisdiction in
22 this action under 28 U.S.C. § 636(c), and no other parties have made an appearance. (Doc. 5.)
23 Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of
24 California, the undersigned shall conduct any and all proceedings in the case until such time as
25 reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

26 On December 11, 2014, the court screened the Complaint under 28 U.S.C. §1915A and
27 entered an order dismissing the Complaint for failure to state a claim, with leave to amend
28 within thirty days. (Doc. 6.) On January 20, 2015, the court dismissed this case and entered

1 judgment, based on Plaintiff's failure to comply with the thirty-day deadline in the court's
2 order. (Docs. 7, 8.) On January 27, 2015, the court reopened the case based on Plaintiff's
3 timely filing of a motion for extension of time. (Doc. 10.) Plaintiff was granted thirty
4 additional days in which to file an amended complaint. (Id.)

5 Plaintiff's latest deadline to amend the Complaint has expired, and Plaintiff has not filed
6 an amended complaint or otherwise responded to the court's order. As a result, there is no
7 pleading on file which sets forth any claims upon which relief may be granted.

8 Accordingly, **IT IS HEREBY ORDERED** that:

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

15 IT IS SO ORDERED.
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17 Dated: March 19, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE