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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY COOK,

Plaintiff,

v.

RON DAVIS, et al.,

Defendants.

Case No. 1:13-cv-01413-SKO (PC)

ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE
A CLAIM UPON WHICH RELIEF MAY
BE GRANTED UNDER SECTION 1983

(Docs. 1 and 7)

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

Plaintiff Randy Cook, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 4, 2013. On May 9, 2014, the Court dismissed Plaintiff's complaint for failure to state a claim under section 1983 and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). More than thirty days have 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, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which

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1 relief may be granted under section 1983. This dismissal is subject to the “three-strikes” provision
2 set forth in 28 U.S.C. § 1915(g). *Silva v. Di Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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IT IS SO ORDERED.

Dated: July 27, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE