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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALEX AGUAYO,  
Plaintiff,  
v.  
JOHN N. KATAVICH,  
Defendant.

1:13-cv-01454-JLT (PC)  
ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE A  
CLAIM UPON WHICH RELIEF MAY BE  
GRANTED UNDER SECTION 1983  
(Docs. 1, 7, 10, 14)  
ORDER THAT DISMISSAL IS SUBJECT  
TO 28 U.S.C. § 1915(G)

Plaintiff, Alex Aguayo, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 11, 2013. On September 30, 2013, the Court dismissed Plaintiff’s complaint for failure to state a claim under section 1983 and ordered Plaintiff to file an amended complaint within 21 days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff requested and received an extension of time to file a first amended complaint. When Plaintiff did not file his amended complaint, the Court issued an order to show cause why this action should not be dismissed which required Plaintiff to respond no later than January 24, 2014. Still, 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

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HEREBY DISMISSED, with prejudice, based on Plaintiff’s failure to state a claim upon which relief may be granted under section 1983. This dismissal is subject to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). *Silva v. Di Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

IT IS SO ORDERED.

Dated: February 13, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE