

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT CARL GORSKI,
Plaintiff,
v.
CAPTAIN LOPEZ,
Defendant.

Case No. 1:14-cv-00028-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 18)

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

Plaintiff Robert Carl Gorski, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 21, 2014. On June 2, 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

///
///
///

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).

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: July 27, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE