

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL VINCENT CISNEROS,) Case No.: 1:14-cv-00922-SAB (PC)
Plaintiff,)
v.)
GRAHAM, et al.,) ORDER DISMISSING ACTION FOR FAILURE
Defendants.) TO STATE A COGNIZABLE CLAIM UPON
) WHICH RELIEF MAY BE GRANTED
) [ECF Nos. 9, 12]
)
)

Plaintiff Michael Vincent Cisneros is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on June 30, 2014. Local Rule 302.

On October 17, 2014, Plaintiff's complaint was dismissed with leave to amend for failure to state a cognizable claim for relief, and an amended complaint was due within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff failed to file an amended complaint or otherwise respond to the Court's order, and on December 3, 2014, an order to show cause was issued. The thirty day time frame to respond has expired and Plaintiff has failed to respond to the order to show cause. Accordingly, there is no pleading on file which sets forth any claims upon which relief may be granted.

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1 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is HEREBY
2 DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be
3 granted under section 1983. This dismissal is subject to the "three-strikes" provision set forth in 28
4 U.S.C. § 1915(g). Silva v. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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7 IT IS SO ORDERED.

8 Dated: January 15, 2015



UNITED STATES MAGISTRATE JUDGE