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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BRUCE WAYNE MILLER,  
Plaintiff,  
v.  
ROBERT WITHROW,  
Defendant.

Case No. 1:14-cv-01011-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)

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Plaintiff Bruce Wayne Miller, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 16, 2014. On March 16, 2015, 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. § 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.

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Accordingly, pursuant to 28 U.S.C. § 1915(e), this action is HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under section 1983.

IT IS SO ORDERED.

Dated: May 11, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE