

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

MICHAEL EUGENE WILSON, JR.,

Case No. 1:14-cv-01494-SKO (PC)

Plaintiff,

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

v.

SHAW, et al.,

(Docs. 1 and 17)

Defendants.

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

Plaintiff Michael Eugene Wilson, Jr., a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 2, 2014.¹ On May 12, 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. § 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.² 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 Plaintiff was incarcerated when he filed suit.

² On May 26, 2015, the United States Postal Service returned the order as undeliverable. Plaintiff has not notified the Court of any change in his address and absent such notice, service at a party's prior address is fully effective. Local Rule 182(f).

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). *Coleman v. Tollefson*, __ U.S. __, __, 125 S.Ct. 1759, 1765
3 (2015).

4
5 IT IS SO ORDERED.

6 Dated: July 13, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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