

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

ROBERTO G. CASTANEDA,

Case No. 1:14-cv-01524-AWI-SKO (PC)

**Plaintiff.**

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

V

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA.

(Docs. 1 and 5)

### Defendant

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

Plaintiff Roberto G. Castaneda, 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 29, 2014. On October 14, 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

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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).

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4 IT IS SO ORDERED.  
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7 Dated: November 25, 2014  
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16 SENIOR DISTRICT JUDGE  
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