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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA
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10 JESUS J. GAONA,

Case No. 1:14-cv-01677-SKO (PC)

11 Plaintiff,

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

12 v.

13 STATE OF CALIFORNIA, et al.,

(Docs. 6 and 8)

14 Defendants.
15 _____/

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

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17 Plaintiff Jesus J. Gaona, a state prisoner proceeding pro se and in forma pauperis, filed this
18 civil rights action pursuant to 42 U.S.C. § 1983 on October 27, 2014. On December 11, 2014, the
19 Court dismissed Plaintiff's complaint for failure to state a claim under section 1983 and ordered
20 Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. §
21 1915(e). More than thirty days have passed and Plaintiff has not complied with or otherwise
22 responded to the Court's order. As a result, there is no pleading on file which sets forth any
23 claims upon which relief may be granted.

24 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
25 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.

5 Dated: **January 30, 2015**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE