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

CHARLIE RODRIGUEZ,  
Plaintiff,  
v.  
PALMERO, M.D., et al.,  
Defendants.

Case No. 1:14-cv-01742 DLB PC  
ORDER DISMISSING COMPLAINT  
WITH PREJUDICE FOR FAILURE TO  
STATE A CLAIM  
ORDER DIRECTING CLERK OF COURT TO  
TERMINATE ACTION

Plaintiff Charlie Rodriguez (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on November 7, 2014.<sup>1</sup> He names Palmero, M.D., as Defendant.

On September 8, 2015, the Court screened the complaint and determined that Plaintiff failed to state a claim upon which relief may be granted under Section 1983. Plaintiff was provided an opportunity to file an amended complaint and he was directed to file the amended complaint within thirty (30) days. Akhtar v. Mesa, 698 F.3d 1202, 1212-13 (9th Cir. 2012). Over thirty days have passed and Plaintiff has failed to file an amended complaint or otherwise communicate with the Court. Plaintiff was forewarned: “If Plaintiff fails to file an amended complaint in compliance with this order, this action will be dismissed, with prejudice, for failure to state a claim.”

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<sup>1</sup> Plaintiff consented to the jurisdiction of the Magistrate Judge on December 8, 2014.

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's complaint is DISMISSED WITH PREJUDICE for failure to state a claim under section 1983;
2. The Clerk of Court is DIRECTED to terminate this action in its entirety.

IT IS SO ORDERED.

Dated: October 27, 2015

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE