

1
2
3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
6
7
8
9

10 DAVID BAILEY,
11 Plaintiff,
12
13 vs.
14 J. LOPEZ, ET AL.,
15 Defendant

Case No.1:14 cv 01854 GSA PC

ORDER DISMISSING ACTION

16 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C.
17 § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §
18 636(c)(1).
19

20 By order filed May 27, 2015, the operative complaint was dismissed for failure to state a
21 claim. Plaintiff was granted leave to file an amended complaint, and directed to do so within
22 thirty days. Plaintiff has not filed an amended complaint.

23 In the May 27, 2015, order the Court informed Plaintiff of the deficiencies in his
24 complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim
25 upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the
26 Court dismisses the claims made in the original complaint with prejudice for failure to state a
27 federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448

1 (9th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to
2 dismissing for failure to state a claim).

3 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure to state
4 a claim upon which relief can be granted. The Clerk is directed to close this case.

5
6 IT IS SO ORDERED.

7 Dated: July 6, 2015

8 /s/ Gary S. Austin

9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28