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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSTY WAYNE SAMPLE,
Plaintiff,
v.
CORIZON HEALTH,
Defendant.

Case No. 1:15-cv-00164-SKO (PC)
**ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE
A CLAIM UPON WHICH RELIEF MAY
BE GRANTED UNDER SECTION 1983**
(Docs. 1 and 7)
**ORDER THAT DISMISSAL IS SUBJECT
TO 28 U.S.C. § 1915(G)**

Plaintiff Rusty Wayne Sample, a former prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 27, 2015.¹ On October 28, 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 since 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 relief may be granted under section 1983. This dismissal is subject to the “three-strikes” provision

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¹ Plaintiff was in jail when he filed suit.

1 set forth in 28 U.S.C. § 1915(g). *Coleman v. Tollefson*, __ U.S. __, __, 125 S.Ct. 1759, 1765
2 (2015).

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4 IT IS SO ORDERED.

5 Dated: December 24, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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