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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CESAR MENDOZA-HERNANDEZ,

 Plaintiff,

 v.

D. COGGINS, et al.,

 Defendants.

Case No. 1:15-cv-00271-AWI-SKO (PC)

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

(Docs. 5, 9, 10, and 16)

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

Plaintiff Cesar Mendoza-Hernandez, a federal prisoner proceeding pro se and in forma pauperis, filed this civil rights action on August 8, 2014, in the Dallas Division of the United States District Court for the Northern District of Texas. The district court severed Plaintiff's claims arising from events at United States Penitentiary-Atwater and transferred them to the Eastern District of California on February 20, 2015. On March 17, 2015, the Court dismissed Plaintiff's amended complaint for failure to state a claim and ordered Plaintiff to file a second amended complaint within thirty days.¹ 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

¹ Federal officers may be held liable for damages for the violation of an inmate's constitutional rights, *Correctional Serv. Corp. v. Malesko*, 534 U.S. 61, 66, 122 S.Ct. 515, 519 (2001) (citing *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999 (1971)), and given the nature of Plaintiff's allegations, this action was construed as brought pursuant to *Bivens*.

1 order. As a result, there is no pleading on file which sets forth any claims upon which relief may
2 be granted.

3 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is
4 HEREBY DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which
5 relief may be granted. This dismissal is subject to the "three-strikes" provision set forth in 28
6 U.S.C. § 1915(g). *Silva v. Di Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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8 IT IS SO ORDERED.

9 Dated: May 14, 2015



10 SENIOR DISTRICT JUDGE

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