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

FRANK LEE DEARWESTER,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA DEPT. OF  
CORR. & REHAB., et al.,  
  
Defendants.

Case No. 1:15-cv-00354-SKO (PC)  
  
ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE  
A CLAIM UPON WHICH RELIEF MAY  
BE GRANTED UNDER SECTION 1983  
  
(Docs. 1, 11, and 13)  
  
ORDER THAT DISMISSAL IS SUBJECT  
TO 28 U.S.C. § 1915(G)

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Plaintiff Frank Lee Dearwester, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 27, 2015. On June 9, 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). Plaintiff was granted an additional thirty days to comply on July 14, 2015.

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

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1 the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). *Coleman v. Tollefson*, \_\_ U.S. \_\_,  
2 \_\_, 125 S.Ct. 1759, 1765 (2015).

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4 IT IS SO ORDERED.

5 Dated: September 4, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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