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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER WHITEHEAD,  
Plaintiff,  
vs.  
MARTIN VEAL, WARDEN, TERESA  
SCHWARTS; and MIKE SOARES,  
Defendants

No. 2:06-CV-01621 ODW  
**ORDER OF DISMISSAL**

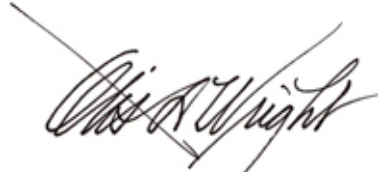
Defendants filed a Motion to Dismiss Plaintiff’s First Amended Complaint [Docket No. 4] pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Docket Nos. 28, 28-1) By Order of this Court, the motion was granted on the grounds that plaintiff had shown no property interest in funds which were removed from his account and therefore had stated no claim for deprivation of property without due process of law. Plaintiff was given leave to amend the complaint, said amended pleading to be filed no later than April 29, 2011.

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2 Plaintiff has filed no amended pleading and this matter is hereby  
3 DISMISSED.

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5 DATED: May 14, 2011

A handwritten signature in cursive script, appearing to read "Otis D. Wright", is written over a horizontal line. The signature is crossed out with a large, diagonal "X" mark.

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7 OTIS D. WRIGHT, II, DISTRICT JUDGE

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