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

ROBERT D. HOLLIS,) No. 2:08-CV-01825 ODW
Plaintiff,)
vs.) **ORDER OF DISMISSAL**
)
E. TELL,)
Defendant.)
_____)

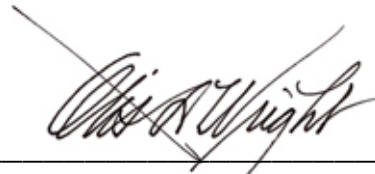
On August 6, 2008 Defendant, the only served defendant, removed this action from the Sacramento County Superior Court. Thereafter, pursuant to 28 U.S.C. §1915(b)(1) the court conducted a screening of the complaint.

Following that review, the court concluded that this suit was legally frivolous (See decision [5] at p. 3.) The Complaint was dismissed, however, Plaintiff was given leave to file an amended complaint, although the court expressed doubt that the pleading deficiencies discussed in the order could be cured. An amended complaint, if indeed plaintiff chose to do so, was to

1 have been filed within 30 days of the Order entered September 10, 2008. A
2 careful review of the docket reveals there is no operative complaint on file.
3 Plaintiff has requested and been provided with copies of the docket, all of
4 which reflect the 2008 order requiring an amended complaint. Indeed,
5 Plaintiff's most recent filing requesting remand, attaches as an exhibit a copy
6 of the docket, thus it is inescapable that Plaintiff has been on notice for some
7 time that an amended complaint was required over two and a half years ago.
8 Instead of filing a new pleading, Plaintiff continually requests that this matter
9 be remanded to state court, but provides no legal rationale which would
10 require remand.

11 For failure to file an amended complaint as ordered by the court, this
12 matter is hereby DISMISSED.

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14 DATED: May 14, 2011



15 OTIS D. WRIGHT, II, DISTRICT JUDGE
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