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

DALE OWEN DUSTIN,

Plaintiff,

No. CIV S-08-2638 EFB P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

On April 14, 2009, the court dismissed plaintiff's complaint with leave to amend. The dismissal order explained the complaint's deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint may result in this action being dismissed. On June 8, 2009, the court granted plaintiff an additional 30 days in which to file his amended complaint.

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1 The 30-day period has expired and plaintiff has not filed an amended complaint or
2 otherwise responded to the court's order.

3 Accordingly, this action is DISMISSED without prejudice.

4 Dated: August 17, 2009.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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