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

MARK A. SMITH,

Plaintiff,

No. CIV S-08-2655 GGH P

vs.

MARK ROELKE,

Defendant.

ORDER¹

_____ /

By order filed December 5, 2008, the court granted plaintiff thirty days to file an amended complaint. In the December 5th order, the court informed plaintiff of the deficiencies in his complaint. The thirty day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

For the reasons given in the December 5, 2008, order, IT IS HEREBY ORDERED that this action is dismissed with prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

DATED: February 6, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

smit2655.fta

¹When a plaintiff has consented to the magistrate judge as the trial judge, under the case assignment procedures of this court, no district judge is assigned, if at all, until the defendants appear. No defendants having appeared, the matter proceeds solely before the undersigned.