IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH A. SMITH,

Plaintiff, No. CIV S-09-1343 EFB P

vs.

ASSISTANCE DIRECTOR SACRAMENTO, et al.,

Defendants. ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel and *in forma pauperis* in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 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)(4).

On January 28, 2010, the court dismissed plaintiff's complaint with leave to amend. The dismissal order explained the complaint's deficiencies, gave plaintiff 60 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.

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The 60-day period has expired and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

Accordingly, it is hereby ordered that this action is DISMISSED without prejudice.

Dated: April 20, 2010.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE