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

ROBERT MILLER,

Plaintiff,

No. 2:11-cv-0931 KJN P

vs.

NATHANIEL ELAM,

Defendant.

ORDER

_____/

By order filed April 21, 2011, plaintiff's complaint was dismissed based on plaintiff's failure to state a cognizable civil rights claim against defendant Elam, and plaintiff was granted thirty days leave to file an amended complaint or voluntarily dismiss this action. The thirty day period has now expired, and plaintiff has not filed an amended complaint, voluntary dismissal, or otherwise responded to the court's order. Plaintiff filed a consent to proceed before the undersigned on April 20, 2011 (Dkt. No. 5).

Accordingly, IT IS HEREBY ORDERED this action is dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

DATED: May 31, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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