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

BILLY DRIVER,

Plaintiff,

No. 2:11-cv-2397 EFB P

vs.

J. CLARK KELSO, 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 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 August 9, 2012, the court dismissed plaintiff's complaint for failure to state a claim. 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 would result in this action being dismissed for failure to state a claim. The 30-day period has expired and plaintiff has not filed an amended complaint.

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1 Accordingly, it is hereby ORDERED that this action is DISMISSED. 28 U.S.C.

2 § 1915A(b); Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

3 Dated: September 12, 2012.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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