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

BENNY HERNANDEZ,

Plaintiff,

No. 2:12-cv-2254 AC P

vs.

MIKE McDONALD, et al.

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis who seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has consented to this court’s jurisdiction (ECF No. 5).

By order filed October 25, 2012, the court determined that plaintiff had stated colorable First, Eighth, and Fourteenth Amendment claims against defendant McDonald. The court also dismissed with leave to amend plaintiff’s claims against “High Desert State Prison Administration.” In the October 25, 2012 order, the court advised plaintiff that, if he chose not to amend his complaint, the court would recommend dismissing High Desert State Prison Administration from this action. To date, plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that defendants California Department

1 of Corrections and D.V.I. Correctional Institute are dismissed from this action without prejudice.

2 See Local Rule 110; Fed. R. Civ. P. 41(b).

3 DATED: February 11, 2013.

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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