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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FLOYD A. CUMMINGS,
Plaintiff,
v.
MOON JEU, et al.,
Defendants.

No. 2:13-cv-00128 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c). See ECF No. 7.

By order filed August 27, 2013, plaintiff's amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. On September 19, 2013 and October 10, 2013, plaintiff was granted additional time to file his second amended complaint. In the latter order, plaintiff was ordered to file his second amended complaint on or before November 4, 2013 and was forewarned that his failure to do so would result in the dismissal of this action. (ECF No. 16.) That deadline has now passed and plaintiff has not filed his second amended complaint, or otherwise responded to the court's October 10, 2013 order.

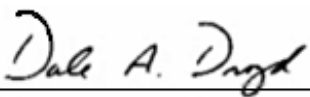
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Accordingly, IT IS HEREBY ORDERED that this action be dismissed without prejudice.

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

Dated: November 13, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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