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

DAVID BENNETT,

No. 2:13-CV-2295-CMK-P

Plaintiff,

vs.

ORDER

BUTTE COUNTY POLICE
DEPARTMENT,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action. On February 24, 2016, the court directed plaintiff to show cause in writing why this action should not be dismissed for failure to state a claim. Plaintiff was warned that failure to respond could result in dismissal of the action for the reasons outlined in the order and for failure to prosecute. To date, plaintiff has not responded to the court’s order to show cause. This action will, therefore, be dismissed for failure to state a claim and for lack of prosecution.

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Accordingly, IT IS HEREBY ORDERED that:

1. This action is dismissed for failure to state a claim;
2. All pending motions (Docs. 20 and 23) are denied as moot; and
3. The Clerk of the Court is directed to enter judgment and close this file.

DATED: October 12, 2016



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE