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

JASON DURAN,

No. 2:14-cv-1080-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

_____/

Plaintiff, a state 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. The court issued an order to show cause on August 17, 2017, requiring plaintiff to show cause why this action should not be dismissed for failure to state a claim.

Plaintiff was informed as to the defects in his complaint, and he was provided an opportunity to show cause as to why this case should not be dismissed for failure to state a claim. Plaintiff was warned that failure to file a response to the order to show cause could result in dismissal of this action for lack of prosecution, failure to comply with court rules and orders, as

1 well as failure to state a claim. See Local Rule 110. To date, plaintiff has not filed a response to
2 the order to show cause.

3 The undersigned therefore finds it appropriate to dismiss this action for failure to
4 state a claim as well as plaintiff's failure to comply to court rules and orders.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. This action is dismissed for plaintiff's failure to state a claim upon which
7 relief can be granted; and

8 2. The Clerk of the Court is directed to close this case.

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10 DATED: September 28, 2017

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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