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

JOHN ROSEBERRY,
Plaintiff,
vs.
R. RAMIREZ, et al.
Defendant.

No. 2:16-cv-0766-CMK

ORDER

_____ /

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.

The court issued an order to show cause on July 7, 2017, requiring plaintiff to show cause why this action should not be dismissed for failure to file an amended complaint. Plaintiff was warned that failure to file an amended complaint may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. To date, plaintiff has not filed a response to the order to show cause or an amended complaint.

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The undersigned therefore finds it appropriate to dismiss this action for plaintiff's failure to comply to court orders, and failure to file an amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

- 1. This action is dismissed without prejudice; and
- 2. The Clerk of the Court is directed to close this case.

DATED: October 26, 2017



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE