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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAHDEE ABDUL AKBAR,  
Plaintiff,  
v.  
JENNIFER BARRETTO.  
Defendant.

No. 2:17-cv-0140 GGH

ORDER

Plaintiff is proceeding pro se with the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On February 28, 2017, the magistrate judge filed an Order herein which were served on plaintiff, ECF No. 14, who has consented to the jurisdiction of this court. ECF No. 8. In that Order the court dismissed the pending complaint without prejudice and granted plaintiff the opportunity to file an Amended Complaint in conformity to the conditions explained in the Order within 30 days of the service of the Order. Further, the Order contained notice to plaintiff that failure to comply could result in dismissal of the petition with prejudice. ECF No. 14 at 4.

Plaintiff failed to file an Amended Complaint, although he did file an “Exhibit” asking for appointment of counsel.

The undersigned has considered plaintiff’s request for counsel. Although plaintiff’s physical condition and age warrant serious consideration of the request, the undersigned sees no

1 likelihood of validity to any of the conclusionary allegations contained in the complaint which is  
2 in essence an attempt at a civil rights complaint along with a request for parole or transfer to a  
3 federal prison.

4 In light of the foregoing **IT IS HEREBY ORDERED THAT:**

- 5 1. The complaint is dismissed with prejudice.
- 6 2. No certificate of appealability shall be issued, nor would an appeal be taken in good  
7 faith if construed as a civil rights action.
- 8 3. The Clerk of the Court shall close this file.

9 **IT IS SO ORDERED.**

10 Dated: April 7, 2017

11 /s/ Gregory G. Hollows  
12 UNITED STATES MAGISTRATE JUDGE

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