

1 to plaintiff's serious physical and mental health needs, in violation of the Eighth Amendment.
2 See Estelle v. Gamble, 429 U.S. 97, 104 (1976). Specifically, the Court found that plaintiff's
3 complaint, when liberally construed, sufficiently alleged he had serious medical needs at the
4 time he was transferred to CTF, as well as during the period of his confinement there, but
5 that he had failed to allege facts showing that either the prison officials responsible for
6 transferring him to CTF or the prison officials responsible for attending to his medical needs
7 at CTF acted with deliberate indifference to his serious medical needs. Additionally, the
8 Court found plaintiff had failed to name and link to his claims any individual defendant.

9 On September 12, 2008, plaintiff filed an amended complaint ("AC"). Thereafter, by
10 order dated November 10, 2008, the Court concluded that although the AC provided the
11 Court with more facts than alleged in the original complaint, the allegations in the AC, even
12 when liberally construed, failed to provide enough information for the Court to find any
13 named defendant acted with deliberate indifference to plaintiff's serious medical needs or, as
14 newly alleged in the AC, violated plaintiff's rights under the Americans with Disabilities
15 Act. (See Order, filed Nov. 10, 2008, at 2.) Consequently, the Court found plaintiff had
16 failed to state a claim upon which relief may be granted and that the AC thus was subject to
17 dismissal. (Id. at 3.) As plaintiff is proceeding pro se, however, the Court granted plaintiff
18 one further opportunity to amend the AC to allege facts sufficient to state one or more
19 cognizable claims for relief. (Id.) Specifically, the Court informed plaintiff that, within
20 thirty days, he could file a second amended complaint; the Court further informed plaintiff
21 that his failure to do so would result in the dismissal of this action. (Id. at 4.)

22 More than thirty days have passed since the Court's order and plaintiff has not filed a
23 second amended complaint or otherwise communicated with the Court. Accordingly, the
24 instant action is hereby DISMISSED without prejudice.

25 The Clerk of the Court shall close the file.

26 IT IS SO ORDERED.

27 DATED: December 11, 2008

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MAXINE M. CHESNEY
United States District Judge