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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERWIN REDDICK,
Plaintiff
v.
M.S. EVANS, et al.,
Defendant

No. C-10-1580 SI (PR)

ORDER OF DISMISSAL

M.S. EVANS, et al.,
Defendants.

In this *pro se* prisoner's civil rights action under 42 U.S.C. § 1983, Derwin Reddic alleged claims for deliberate indifference to his safety, retaliation, and violation of his right to due process at Salinas Valley State Prison. Defendants filed an unopposed motion to dismiss on the ground that administrative remedies were not exhausted for the deliberate indifference and retaliation claims and that the due process claim should be dismissed for failure to state a claim upon which relief may be granted. The deliberate indifference and retaliation claims were dismissed without prejudice to Reddic filing a new action. The court determined that the due process claim did not state a claim upon which relief may be granted because Reddic had not alleged that the challenged disciplinary decision subjected him to an atypical and significant hardship in relation to the ordinary incidents of prison life or affected the duration of his confinement. The due process claim was dismissed with leave to amend to cure the deficiency no later than July 1, 2011. The court cautioned that failure to amend would result in dismissal of the action.

1 Plaintiff never filed the required second amended complaint and the deadline by which
2 to do so has long passed. Accordingly, the due process claim is dismissed without leave to
3 amend for failure to state a claim upon which relief may be granted. That resolves the remaining
4 claim in this action. Judgment will now be entered on all claims.

5 The clerk will close the file.

6 IT IS SO ORDERED.

7 Dated: September 19, 2011



SUSAN ILLSTON
United States District Judge

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