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\*E-Filed 2/22/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANDRE V. JACKSON,

No. C 10-5489 RS (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

H. GRIFFIN,


Defendant.

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. Plaintiff was ordered to file an amended complaint within 30 days. More than 30 days have passed since such notice to file was given, and plaintiff has not filed an amended complaint. Accordingly, the action is **DISMISSED** without prejudice.

The Court declines to issue a certificate of appealability. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall enter judgment in favor of defendant, and close the file.

**IT IS SO ORDERED.**

DATED: February 22, 2011

  
RICHARD SEEBORG  
United States District JudgeNo. C 10-5489 RS (PR)  
ORDER OF DISMISSAL