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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 FREDERICK SMITH,
12 Plaintiff,

No. C 11-4823 MMC

ORDER DISMISSING ACTION

13 v.

14 HAROLD P. JOHNSON,
15 Defendant.
16 _____/


17 By order filed April 25, 2012, the Court dismissed plaintiff's complaint for failure to
18 state a claim upon which relief could be granted. The Court afforded plaintiff the
19 opportunity to file a First Amended Complaint no later than May 11, 2012. To date, plaintiff
20 has not filed a First Amended Complaint.

21 Accordingly, for the reasons set forth in the Court's order filed April 25, 2012, the
22 complaint in the above-titled action is hereby DISMISSED with prejudice pursuant to
23 28 U.S.C. § 1915(e)(2)(B)(ii).

24 The Clerk shall close the file.

25 **IT IS SO ORDERED.**
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27 Dated: May 21, 2012
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MAXINE M. CHESNEY
United States District Judge