

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEE EDWARD PEYTON,
Plaintiff,
v.
RANDY GROUNDS,
Defendant.

Case No. [13-4232-VC \(PR\)](#)

ORDER OF DISMISSAL

Lee Edward Peyton, an inmate at Kern Valley State Prison proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Randy Grounds, Warden at Salinas Valley State Prison, where Peyton was formerly incarcerated. The Court dismissed Peyton’s original complaint with leave to amend so that he could exhaust administrative remedies. On March 10, 2014, Peyton filed a first amended complaint. On May 8, 2014, the Court reviewed Peyton’s first amended complaint and dismissed it with leave to amend within twenty-one days from the date of the Order. The Court notified Peyton that failure to file a second amended complaint within twenty-one days would result in the dismissal of his action.

More than twenty-one days have passed and Peyton has not filed a second amended complaint. Therefore, this action is dismissed without leave to amend but without prejudice to filing a paid complaint.

1 **CONCLUSION**

2 Based on the foregoing, the Court orders as follows:

3 1. Peyton's complaint is dismissed without leave to amend and without prejudice to filing a
4 paid complaint.

5 2. The Clerk of the Court shall enter judgment and close the file.

6 **IT IS SO ORDERED.**

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8 Dated: June 9, 2014



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10 _____
11 VINCE CHHABRIA
12 United States District Judge