IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID F. FISHER, No. C 08-01635 CW (PR)

Petitioner, ORDER OF DISMISSAL

V.

STEVE CAMBRA,

Respondent.

On July 7, 2008, after conducting a preliminary screening of the petition, the Court issued an Order Dismissing Petition with Leave to Amend upon determining that it was "impossible to ascertain from the petition what claims Petitioner seeks to bring in federal court, much less how he exhausted any of them in the state courts." (July 7, 2008 Order at 1.) The Court granted Petitioner thirty days from the date of the Order to file an amended petition providing factual and legal bases for his claims. The Court explained that if Petitioner did not file an amended pleading, the action would be dismissed with prejudice.

On July 14, 2008, Petitioner filed an amended petition, which contains the same unintelligible facts from his original petition.

In an Order dated October 20, 2008, the Court dismissed the amended petition with leave to amend and granted Petitioner thirty days from the date of the Order to file another amended petition providing factual and legal bases for his claims. The Court again explained that if Petitioner did not file an amended pleading, the action would be dismissed with prejudice.

The time for Petitioner to file his amended petition has passed, and no amended petition has been filed. Therefore, the

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Court finds that Petitioner has failed to correct any pleading deficiencies.

Accordingly, the petition is DISMISSED with prejudice for failure to state a constitutionally cognizable claim for relief.

The Clerk of the Court shall enter judgment, terminate all pending motions, and close the file.

IT IS SO ORDERED.

DATED: 11/24/08



CLAUDIA WILKEN
United States District Judge

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UNITED STATES DISTRICT COURT 1 2 FOR THE 3 NORTHERN DISTRICT OF CALIFORNIA 4 5 6 DAVID F.FISHER, Case Number: CV08-01635 CW 7 Plaintiff, **CERTIFICATE OF SERVICE** 8 v. 9 STEVE CAMBRA et al, 10 Defendant. 11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District 12 Court, Northern District of California. 13 That on November 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said 14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office. 15 16 17 David Fred Fisher 1512 166th Avenue 18 San Leandro, CA 94578 19 Dated: November 24, 2008 Richard W. Wieking, Clerk 20 By: Sheilah Cahill, Deputy Clerk 21 22 23 24 25 26 27