

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELVIN D. PRICE,
Plaintiff,

No. C 09-06050 SBA (PR)

**ORDER DISMISSING EIGHTH
AMENDMENT CLAIM AGAINST
DEFENDANT WALL**

v.

DR. HENRY, et al.,
Defendants.

On April 22, 2011, the Court issued an Order directing Plaintiff to amend his Eighth Amendment claim against Defendant Wall. The Court gave Plaintiff until May 23, 2011, to file an amendment to the complaint. He was warned the failure to do so would result in dismissal of his Eighth Amendment claim without prejudice. The time to file the amendment to the complaint has passed, and Plaintiff has failed to do so.

IT IS HEREBY ORDERED that the Eighth Amendment claim against Defendant Wall is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: 5/26/11

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF
4 CALIFORNIA

5 MELVIN D. PRICE,
6
7 Plaintiff,

Case Number: CV09-06050 SBA

8 v.
9 DR. HENRY et al,

CERTIFICATE OF SERVICE

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 May 27, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Melvin D. Price F-37541
18 Richard J. Donovan State Prison
19 P.O. Box 799003
20 San Diego, CA 92179

21 Dated: May 27, 2011

Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk

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