

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

3
4 PATRICE ANDRE FLUKER,
5 Plaintiff,

No. C 10-5355 CW (PR)
ORDER OF DISMISSAL

6 v.

7 AGENT TUCKER, et al.,
8 Defendants.

9 _____/

10 Plaintiff, a state prisoner, filed the present pro se
11 complaint when he was incarcerated at the Alameda County Jail.
12 Thereafter, in December 2010, Plaintiff notified the Court he had
13 been released from custody, in February 2011 he notified the Court
14 he had been returned to the Alameda County Jail, and, on March 2,
15 2011, he notified the Court that he was incarcerated at San Quentin
16 State Prison (SQSP) and would be released from custody on March 30,
17 2011. Plaintiff has not communicated with the Court since his last
18 notification.

19 On September 7, 2011, the Court issued an Order of Dismissal
20 With Leave to Amend and gave Plaintiff thirty days from the date of
21 the Order to file an amended complaint providing factual and legal
22 bases for his claims. The Court informed Plaintiff that failure to
23 timely file an amended complaint would result in dismissal of the
24 action without prejudice. The Order was sent to Plaintiff at his
25 most recent address on the court docket, i.e., SQSP. On September
26 8, 2011, the Order was mailed back to the Court from SQSP, with a
27 notation on the envelope that Plaintiff no longer is in custody.
28

1 Because Plaintiff has not communicated with the Court or
2 updated his address since his presumed release from SQSP on March
3 30, 2011, he did not receive the Court's Order of Dismissal With
4 Leave to Amend and has not amended his complaint to cure the noted
5 pleading deficiencies.

6 Accordingly, IT IS HEREBY ORDERED that the complaint in the
7 above-captioned action is DISMISSED WITHOUT PREJUDICE for failure
8 to state a claim upon which relief may be granted.

9 The Clerk of the Court shall enter judgment in accordance with
10 this Order and close the file. When and if Plaintiff is prepared
11 to pursue his claims, he may file a new civil rights action.

12 IT IS SO ORDERED.

13 Dated: 10/7/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 PATRICE ANDRE FLUKER,

5 Plaintiff,

6 v.

7 CALIFORNIA DEPARTMENT OF
8 CORRECTIONS et al,

9 Defendant.

Case Number: CV10-05355 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on October 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
13 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
15 in the Clerk's office.

16 Patrice Andre Fluker
17 864 34th Street, #2
18 Oakland, CA 94608

Dated: October 7, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk