

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

3 RICKY D. ANDERSON, JR.,

No. C 11-04275 CW (PR)

4                                    Plaintiff,

ORDER OF DISMISSAL

5                                    v.

6 ALAMEDA COUNTY SHERIFF'S  
7 DEPARTMENT, et al.,

8                                    Defendants.  
9 \_\_\_\_\_/

10                                    Plaintiff filed the present pro se civil rights action under  
11 42 U.S.C. § 1983 when he was incarcerated at the Santa Rita County  
12 Jail (SRCJ). He makes the following allegations in the complaint:

13                                    On or about May 22, 2011 I was called to sick call  
14 by a nurse and was told that a doctor would not want to  
15 see me for extreme pain that comes from a gunshot wound  
16 to my face. I was not seen by a doctor for months and  
was prescribed the lowest cost \$ for pain medication. In  
months time my condition had worsened ears, breathing,  
facial pain.

17 Compl. at 3:10-17.

18                                    On April 10, 2012, the Court reviewed the allegations in the  
19 complaint and found as follows:

20                                    Here, Plaintiff's claims cannot proceed as plead  
21 because he has not provided sufficient facts for the  
22 Court to determine whether he states a cognizable claim  
23 for relief. He does not explain, for example, the exact  
24 nature of his injury, the medical care he requires, the  
reasons provided for refusing him such medical care, and  
why the prescribed medicine he received was inadequate.  
Additionally, he has linked no Defendant or any other  
individual to his allegations and an identifiable injury.

25                                    Accordingly, Plaintiff's complaint is DISMISSED for  
26 failure to state a cognizable claim for relief. He may  
27 file an amended complaint in which he (1) alleges  
28 sufficient facts for the Court to determine whether he  
states a claim for the violation of his constitutional  
rights, and (2) clearly links Defendants to the alleged  
injury or injuries for which the Defendants are alleged

1 to be responsible.

2 Apr. 10, 2012 Order (Order) at 2:28-3:14.

3 The Court directed Plaintiff to file his amended complaint  
4 within thirty days from the date of the Order, and informed him  
5 that if he failed to do so "the case will be dismissed without  
6 prejudice and will be closed." Order at 4:7-8.

7 On May 1, 2012, the copy of the Order sent by the Clerk of the  
8 Court to Plaintiff at the SRCJ was returned as undeliverable, for  
9 the reason that he no longer is in custody. Docket no. 6. On May  
10 11, 2012, Plaintiff notified the Court of his new address at San  
11 Quentin State Prison. Docket no. 7. On May 21, 2012, the Clerk  
12 sent the Order of dismissal with leave to amend to Plaintiff at his  
13 new address. Docket no. 8.

14 More than thirty days have passed since the Clerk sent the  
15 Order to Plaintiff at San Quentin State Prison, and he has not  
16 filed an amended complaint or otherwise communicated with the  
17 Court. Accordingly, this case is hereby DISMISSED without  
18 prejudice.

19 The Clerk shall enter judgment and close the file.

20 IT IS SO ORDERED.

21 DATED: 6/20/2012

  
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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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