



reasons set forth in the Order denying reconsideration, this court DENIES the present Motion.

Plaintiff has failed to adequately and timely amend the Complaint despite being given ample time to do so. Petitioner also states that he has no intention of filing an amended complaint. Moreover, amendment appears futile. Accordingly, this action is DISMISSED with prejudice. The Clerk shall close the file and note that this dismissal may constitute a strike pursuant to 28 U.S.C. § 1915(e)(2).

The court further CERTIFIES that there are no non-frivolous issues for appeal and an appeal in this action would not be taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, September 27, 2012.



/S/ Leslie E. Kobayashi  
Leslie E. Kobayashi  
United States District Judge

*Tia v. Antonio, et al.*, 1:12-cv-00295 LEK-KSC; ORDER DENYING MOTION TO COMPEL ADHERENCE AND DISMISSING ACTION PURSUANT TO 28 U.S.C. § 1915(e)(2); G:\docs\prose attys\Ords\DMP\2012\Tia 12-295 lek (dsm C ftsc & friv fail to amend).wpd