

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LAYBE TORRES,

Plaintiff,

v.

No. 16-CV-01352-KG-LF

GREGG MARCANTEL, *Secretary of Corrections*, DWAYNE SANTISTEVAN, *S.T.I.U. Administrator*, MAJOR RALPH LUCERO, *C.N.M.C.F. Unit Manager*, TAMARA KING, *C.N.M.C.F. Classification Officer*,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court, *sua sponte*. On July 7, 2017, the Court dismissed Plaintiff Laybe Torres' Complaint For Violation of Civil Rights (Doc. 1) pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) because it failed to state a claim on which relief may be granted. (Doc. 18). The Court recognized that "Plaintiff may be able to cure the deficiencies in his complaint with additional factual allegations and more precise pleading" and, therefore, the Court granted Plaintiff thirty days in which to file an amended complaint that states a claim on which relief may be granted. (Doc. 18). The Court notified Plaintiff that "[f]ailure timely to file an amended complaint may result in the dismissal of this action without further notice." (Doc. 18) at 9.

Plaintiff's amended complaint was due on or before August 7, 2017, but as of this date, Plaintiff has not filed an amended civil rights complaint, shown cause for his failure to do so, or otherwise responded to the Court's July 7, 2017, Memorandum Opinion and Order of Dismissal.

Therefore, the Court will dismiss this proceeding without prejudice for failure to state a claim on which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

IT IS THEREFORE ORDERED that this civil proceeding is DISMISSED without prejudice; and judgment will be entered.



KENNETH W. GONZALES
UNITED STATES DISTRICT JUDGE