UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

PATRICK L. RICHARDSON,

Case No. 2:20-cv-08030-HDV (JC)

V.

RALPH DIAZ, et al.,

Defendants.

Plaintiff.

ORDER ACCEPTING FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation ("Report") of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report to which objections have been made.

The Report recommends dismissal of this action with prejudice because Plaintiff's First Amended Complaint, which Plaintiff has elected not to amend, fails to state a claim upon which relief may be granted. (Dkt. No. 85.) The Court has previously affirmed the Magistrate Judge's finding that the First Amended Complaint fails to state a claim, in an order issued on August 10, 2023. (Dkt. No. 78.) Plaintiff's objections fail to rebut the Magistrate Judge's finding that the First Amended Complaint fails to state a claim and fail to suggest any intent to file a

Second Amended Complaint. (Dkt. No. 86.) Rather, Plaintiff points out that he is a pro se litigant, which does not relieve him of the burden of stating a claim to relief that is plausible on its face. (Id. at 1-2.) Plaintiff also continues to stand by his As Plaintiff has elected to stand on the First Amended Complaint, IT IS HEREBY ORDERED that this action is dismissed with prejudice based upon the deficiencies in the First Amended Complaint set out in the Magistrate Judge's June 21, 2023 Order which this Court affirmed on August 10, 2023. IT IS FURTHER ORDERED that the Clerk serve copies of this Order on HERNAN D. VERA UNITED STATES DISTRICT JUDGE