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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFFERY SEBASTIAN GRANDISON, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> M. STAINER, et al., <p style="text-align: center;">Defendants.</p>	CASE No. 1:11-cv-01506-LJO-MJS (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS FOR DISMISSAL OF ACTION WITH PREJUDICE FOR FAILURE TO STATE A CLAIM (ECF No. 23) CLERK TO CLOSE CASE DISMISSAL AS STRIKE UNDER 28 U.S.C. § 1915(g)
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On August 31, 2011, Plaintiff Jeffery Sebastian Grandison, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 4.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. 636(b)(1)(B) and Local Rule 302 of the United States District Court for the

1 Eastern District of California.

2 On July 31, 2012, Findings and Recommendations for dismissal (ECF No. 23) were
3 filed in which the Magistrate Judge recommended dismissal of the action with prejudice for
4 failure to state a claim. Plaintiff was notified that his objection, if any, was due within thirty
5 days. On August 27, 2012, Plaintiff filed Objections to the Findings and Recommendations.
6 (ECF No. 24).
7

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has
9 conducted a de novo review of this case. Having carefully reviewed the entire file, the
10 Court finds the Findings and Recommendations to be supported by the record and by
11 proper analysis. Plaintiff's Objections assert a due process deprivation based upon a
12 liberty interest in avoiding the "R" suffix, a lack of factual support for imposition of the "R"
13 suffix, and suggest an Eighth Amendment claim relating to excessive force. The
14 Objections raise no material issue of law or fact under the Findings and
15 Recommendations. Plaintiff has no cognizable liberty interest in avoiding mere
16 application of the "R" suffix to his custody classification. He points to no denial of
17 process that was due at the ICC hearing imposing the "R" suffix. His reference to the
18 Eighth Amendment has no basis in the First Amended Complaint and Findings and
19 Recommendations thereon, and is not a cognizable claim.
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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Court adopts the Findings and Recommendations filed July 31, 2012,
3 in full,
4 2. This action is dismissed with prejudice for failure to state a claim,
5 3. The Clerk of the Court shall close the case, and
6 4. This dismissal counts as a strike under 28 U.S.C. § 1915(g).
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10 IT IS SO ORDERED.

11 Dated: September 9, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE