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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TRACY LEE DOTSON,  
  
                    Plaintiff,  
  
          v.  
  
DOCTOR,  
  
                    Defendant.

Case No. 1:14-cv-00093-LJO-SKO (PC)  
  
ORDER (1) ADOPTING FINDINGS AND  
RECOMMENDATIONS, (2) DENYING  
MOTION FOR APPOINTMENT OF  
COUNSEL, AND (3) DISMISSING ACTION,  
WITHOUT PREJUDICE BUT WITHOUT  
LEAVE TO AMEND, FOR FAILURE TO  
STATE A CLAIM UNDER SECTION 1983  
  
(Docs. 20, 21, and 22)

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Plaintiff Tracy Lee Dotson, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 27, 2013. This action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 28, 2014, the Magistrate Judge denied Plaintiff’s motion for the appointment of counsel and dismissed his complaint, with leave to amend, for failure to state a claim. 28 U.S.C. § 1915A. Plaintiff filed an amended complaint on June 4, 2014, and on December 31, 2014, the Magistrate Judge issued a findings and recommendations recommending dismissal of this action for failure to state a claim upon which relief may be granted under section 1983. *Id.* Plaintiff filed timely objections on January 27, 2015. Local Rule 304(b).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Plaintiff’s objections

1 present no grounds for relief from the findings and recommendations. The Magistrate Judge  
2 recognized Plaintiff's stated challenges regarding his ability to litigate this action but the record is  
3 devoid *any* indication that Plaintiff has a meritorious claim for relief under section 1983, and he is  
4 not entitled to the appointment of counsel. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).  
5 (Doc. 21, 4:9-5:2.) Furthermore, in an effort to temper the harshness of dismissal, the Magistrate  
6 Judge recommended dismissal without leave to amend in this action but without prejudice. (*Id.*,  
7 fn. 4.)

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendations, filed on December 31, 2014, is adopted in  
10 full;
- 11 2. Plaintiff's request for the appointment of counsel, set forth again in his objections,  
12 is denied;
- 13 3. This action is dismissed for failure to state a claim under section 1983, without  
14 prejudice but without further leave to amend in this action; and
- 15 4. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §  
16 1915(g). *Silva v. Di Vittorio*, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

17  
18 IT IS SO ORDERED.

19 Dated: January 28, 2015

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