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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 RONALD YOUNG,

11 Plaintiff,

12 v.

13 C. SISODIA AND J. KIM,

14 Defendants.

1:15-cv-00640-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF NO. 20)

ORDER DENYING MOTION FOR LEAVE  
TO FILE AN AMENDED COMPLAINT  
(ECF NO. 22)

ORDER FOR THIS ACTION TO  
PROCEED ONLY AGAINST  
DEFENDANT C. SISODIA FOR  
DELIBERATE INDIFFERENCE TO A  
SERIOUS MEDICAL NEED IN  
VIOLATION OF THE EIGHTH  
AMENDMENT, AND DISMISSING ALL  
OTHER CLAIMS AND DEFENDANTS

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20 Ronald Young ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
21 in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on  
22 Plaintiff's Second Amended Complaint, which was filed on October 24, 2016. (ECF No. 19).  
23 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §  
24 636(b)(1)(B) and Local Rule 302.

25 On November 8, 2016, Magistrate Judge Erica P. Grosjean entered findings and  
26 recommendations, recommending that this action proceed only against defendant Sisodia for  
27 deliberate indifference to serious medical needs in violation of the Eighth Amendment, and that  
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1 all other claims and defendants be dismissed from this action. (ECF No. 20). Plaintiff was  
2 provided an opportunity to file objections to the findings and recommendations within twenty  
3 days. Plaintiff objected to the findings and recommendations (ECF No. 21), and filed a  
4 “Motion for Leave to File an [sic] Supplemental Amended Second Complaint” (“Motion for  
5 Leave to Amend”), which contained a copy of the “supplemental amendment” (ECF No. 22).  
6 The Court construes the Motion for Leave to Amend as a motion for leave to amend the  
7 complaint.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
9 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
10 the court finds the findings and recommendations to be supported by the record and proper  
11 analysis.

12 The objection lays out facts that are allegedly relevant to the complaint, and asks the  
13 Court to give Plaintiff the opportunity to file an amended complaint as laid out in the Motion  
14 for Leave to Amend. The Court will deny this request, as well as the Motion for Leave to  
15 Amend. On June 24, 2016, Magistrate Judge Grosjean screened Plaintiff’s Complaint. (ECF  
16 No. 13). She provided Plaintiff with the applicable law, found that Plaintiff failed to state a  
17 claim, and gave Plaintiff the opportunity to amend the complaint. (Id.). On July 21, 2016,  
18 Plaintiff filed his First Amended Complaint (ECF No. 14). On September 15, 2016, Magistrate  
19 Judge Grosjean screened Plaintiff’s First Amended Complaint, provided Plaintiff with the  
20 applicable law, and once again found that Plaintiff failed to state a claim. (ECF No. 15). While  
21 Magistrate Judge Grosjean initially recommended dismissal of the case (Id.), she allowed  
22 Plaintiff to file a Second Amended Complaint (ECF No. 18). As mentioned above, when  
23 screening the Second Amended Complaint, Magistrate Judge Grosjean found a claim against  
24 only defendant Sisodia for deliberate indifference to serious medical needs in violation of the  
25 Eighth Amendment. (ECF No. 20).

26 Although leave to amend is to be liberally granted, the Court will not grant leave to  
27 amend here. Plaintiff was twice provided with the applicable law and given leave to amend,  
28 and the Court does not believe that allowing a third amended complaint will be fruitful.

1 Accordingly, THE COURT HEREBY ORDERS that:

- 2 1. The findings and recommendations issued by the Magistrate Judge on  
3 November 8, 2016, are ADOPTED in full;
- 4 2. This action now proceeds on Plaintiff's Second Amended Complaint, filed on  
5 October 24, 2016, against defendant Sisodia for deliberate indifference to  
6 serious medical needs in violation of the Eighth Amendment;
- 7 3. All remaining claims and defendants are DISMISSED from this action;
- 8 4. The Clerk is DIRECTED to reflect the dismissal of defendant J. Kim on the  
9 Court's docket; and
- 10 5. This case is referred back to the Magistrate Judge for further proceedings.

11 IT IS SO ORDERED.

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13 Dated: December 8, 2016

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