

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRANDON FAVOR-EL,

Plaintiff,

v.

MYCHELLE ROME, et al.,

Defendants.

1:15-cv-01865-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF NO. 25)

ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM

ORDER THAT DISMISSAL IS SUBJECT
TO 28 U.S.C. § 1915(g)

ORDER DENYING MISCELLANEOUS
REQUESTS FOR RELIEF
(ECF NOS. 27 & 32)

ORDER FOR CLERK TO CLOSE CASE

Brandon Favor-El (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff’s First Amended Complaint filed on April 1, 2016. (ECF No. 9). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 19, 2016, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that this action be dismissed with prejudice for failure to

1 state a claim upon which relief may be granted under § 1983, and that this dismissal be subject
2 to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). (ECF No. 25). Plaintiff was
3 provided an opportunity to file objections to the findings and recommendations within thirty
4 days. On September 19, 2016, Plaintiff filed objections to the findings and recommendations
5 (ECF No. 27), as well as a request for a forty day extension to file objections to the findings
6 and recommendations (ECF No. 26). Plaintiff’s request for a forty day extension was granted
7 (ECF No. 28), but the forty day extension has expired and Plaintiff did not file any additional
8 objections.

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

13 Plaintiff’s objections are largely incoherent, and do not raise any relevant arguments.

14 As Plaintiff’s case is being dismissed, the Court will deny Plaintiff’s request for bail,
15 bond, or own recognizance relief, request to subpoena a witness, request for an “arrest warrant
16 information,” request for a review of evidence, and request for a police interview, all of which
17 are included in his objections. The Court will also deny Plaintiff’s request for release from
18 custody and request for a mental health evaluation. (ECF No. 32).

19 Accordingly, it is ORDERED that:

- 20 1. The findings and recommendations issued by Magistrate Judge Erica P. Grosjean on
21 August 19, 2016, are ADOPTED IN FULL;
- 22 2. This action is dismissed, with prejudice, for failure to state a claim upon which
23 relief may be granted under § 1983;
- 24 3. This dismissal is subject to the “three-strikes” provision set forth in § 1915(g).
25 Coleman v. Tollefson, 135 S. Ct. 1759, 1763 (2015);
- 26 4. Plaintiff’s request for bail, bond, or own recognizance relief, request to subpoena a
27 witness, request for an “arrest warrant information,” request for a review of
28 evidence, and request for a police interview are DENIED;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 5. Plaintiff's request for release from custody and request for a mental health evaluation are DENIED; and
- 6. The Clerk is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: November 22, 2016 /s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE