

1 On August 4, 2017, Plaintiff responded with “objections” to the Order to show
2 cause. (ECF No. 16.) It appears Plaintiff wishes to stand on his complaint. See Edwards
3 v. Marin Park, Inc., 356 F.3d 1058, 1064-65 (9th Cir. 2004) (plaintiff may elect to forego
4 amendment). In light of Plaintiff’s election, the screening order, and the District Judge’s
5 review of the complaint on the motion for reconsideration, it is HEREBY
6 RECOMMENDED that:

7 Plaintiff’s complaint (ECF No. 1) be dismissed with prejudice and without leave to
8 amend for failure to state a claim.

9 The findings and recommendation are submitted to the United States District
10 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
11 **thirty** (30) days after being served with the findings and recommendation, Plaintiff may
12 file written objections with the Court. Such a document should be captioned “Objections
13 to Magistrate Judge’s Findings and Recommendation.” Plaintiff is advised that failure to
14 file objections within the specified time may result in the waiver of rights on appeal.
15 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923
16 F.2d 1391, 1394 (9th Cir. 1991)).

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18 IT IS SO ORDERED.

19 Dated: August 7, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE