

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER,

Plaintiff,

v.

KERN VALLEY STATE PRISON
CLASSIFICATION COMMITTEE,

Defendant.

No. 1:18-cv-01170-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO STATE A
CLAIM

(Doc. No. 30)

Plaintiff Antwoine Bealer is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 24, 2019, the assigned magistrate judge issued findings and recommendations recommending dismissal of plaintiff’s second amended complaint, with prejudice, due to his failure to state a claim upon which relief may be granted. (Doc. No. 30.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 12–13.) On November 22, 2019, plaintiff filed his objections to the findings and recommendations. (Doc. No. 31.)

/////
/////

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file,
3 including plaintiff's objections, the court finds the findings and recommendations to be supported
4 by the record and proper analysis. In his objections, plaintiff does not meaningfully dispute the
5 magistrate judge's findings, instead he merely contends in conclusory fashion that "The Justice
6 System Is Biased" and "Should Be OverHauled." Setting aside the lack of analysis for his
7 assertions in this regard, plaintiff's objections do not dispute that his second amended complaint
8 fails to allege a claim, despite the court having granted him leave to amend as well as providing
9 him the legal standards that apply to the claims he appears to be attempting to allege.

10 Accordingly,

- 11 1. The findings and recommendations issued on October 24, 2019 (Doc. No. 30) are
12 adopted in full;
- 13 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim
14 upon which relief may be granted; and
- 15 3. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: December 17, 2019

18 
19 _____
20 UNITED STATES DISTRICT JUDGE