



1 challenging the constitutionality of the procedures used in reaching his conviction and that he was  
2 not previously advised that he had to plead compliance with California’s Government Claims Act  
3 in order to state a state law negligence claim. However, the Heck termination rule is applicable to  
4 Plaintiff’s claims in this § 1983 action because, if Plaintiff succeeded on his claims, Plaintiff’s  
5 success “would ‘necessarily imply’ or ‘demonstrate’ the invalidity of [Plaintiff’s] conviction  
6 [and] sentence[.]” Beets v. Cnty. of Los Angeles, 669 F.3d 1038, 1042 (9th Cir. 2012). Further,  
7 Plaintiff was advised that he had to plead compliance with California’s Government Claims Act  
8 in order to state any state law tort claims in the September 24, 2019 order screening Plaintiff’s  
9 sixth amended complaint. (ECF No. 22, at 14.) Moreover, even if Plaintiff had alleged  
10 compliance with the Government Claims Act, because Plaintiff has failed to state plausible  
11 federal claims, the Court would decline to exercise supplemental jurisdiction over the state law  
12 claims pursuant to 28 U.S.C. § 1367(c)(3). Therefore, Plaintiff’s objections are overruled.

13 Also, on January 8, 2020, Plaintiff filed a motion to amend the complaint and lodged a  
14 proposed eighth amended complaint. (ECF Nos. 32, 33.) “[Federal Rule of Civil Procedure]  
15 15(a) is very liberal and leave to amend shall be freely given when justice so requires.”  
16 AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006) (citation and  
17 quotation omitted). The Ninth Circuit has stated that “this policy is to be applied with extreme  
18 liberality.” Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990).  
19 However, courts “need not grant leave to amend where the amendment: (1) prejudices the  
20 opposing party; (2) is sought in bad faith; (3) produces an undue delay in litigation; or (4) is  
21 futile.” Id. Nevertheless, “[u]ndue delay by itself ... is insufficient to justify denying a motion to  
22 amend. Bowles v. Reade, 198 F.3d 752, 758 (9th Cir. 1999).

23 Here, the undersigned has reviewed Plaintiff’s lodged eighth amended complaint.  
24 Plaintiff was previously notified of the applicable pleading and legal standards and the  
25 deficiencies in his pleading in the September 24, 2019 order screening Plaintiff’s sixth amended  
26 complaint and the December 13, 2019 findings and recommendations screening Plaintiff’s  
27 seventh amended complaint. (ECF Nos. 22, 29.) Despite guidance from the Court, Plaintiff’s  
28 proposed eighth amended complaint is substantially similar to Plaintiff’s sixth and seventh

1 amended complaints. As such, the undersigned is persuaded that Plaintiff is unable to allege any  
2 additional facts to support his claims, and that further amendment would be futile. Hartmann v.  
3 Cal. Dep't of Corr. & Rehab., 707 F.3d 1114, 1130 (9th Cir. 2013) (“A district court may deny  
4 leave to amend when amendment would be futile.”). Therefore, Plaintiff’s motion to amend the  
5 complaint is denied.

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

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s motion to amend the complaint, (ECF No. 32), is DENIED;
- 12 2. The findings and recommendations issued on December 13, 2019, and filed on  
13 December 16, 2019 (ECF No. 29), are adopted in full;
- 14 3. This action is dismissed, with prejudice, due to Plaintiff’s failure to state a claim  
15 upon which relief may be granted; and
- 16 4. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: April 30, 2020

  
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SENIOR DISTRICT JUDGE