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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLAND,  
  
  Plaintiff,  
  
  v.  
  
WARDEN KEN CLARK, et al.,  
  
  Defendants.

No. 1:19-cv-00197-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DISMISSING THIS ACTION

(Doc. No. 16)

Plaintiff Joshua Davis Bland 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 4, 2019, the assigned magistrate judge issued findings and recommendations recommending dismissal of this action for failure to state a cognizable claim upon which relief may be granted. (Doc. No. 16.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 8–9.) On December 11, 2019, plaintiff untimely filed objections to the findings and recommendations. (Doc. No. 20.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of the case. Having carefully reviewed the entire file,

1 including plaintiff's objections, the court finds the findings and recommendations to be supported  
2 by the record and proper analysis.

3 Out of an abundance of caution, the undersigned has reviewed and considered plaintiff's  
4 untimely objections. Although plaintiff frames his filing as objections to the findings and  
5 recommendations, his filing instead appears to be an attempt to file a third amended complaint.  
6 (See Doc. No. 20.) In doing so, plaintiff has once again named new defendants and new claims  
7 despite the magistrate judge's warnings against doing so. (See Doc. Nos. 14 at 7; 16 at 3.) In this  
8 regard, plaintiff cannot "change the nature of this suit by adding new claims in his objections."  
9 *Rackliffe v. Rocha*, No. 1:07-cv-00603-AWI-DLB (PC), 2009 WL 800194, at \*1 (E.D. Cal. Mar.  
10 25, 2009) (citing *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (proscribing "buckshot"  
11 complaints); Fed. R. Civ. P. 20(a)(2) (allowing defendants to be joined in one action as  
12 defendants if any right to relief is asserted against them arising out of the same transaction,  
13 occurrence, or series of transactions or occurrences); Fed. R. Civ. P. 18(a) (allowing multiple  
14 claims against opposing party but not multiple unrelated claims against different defendants)). As  
15 such, plaintiff's objections provide no basis upon which to question the analysis set forth in the  
16 pending findings and recommendation.

17 Accordingly,

- 18 1. The findings and recommendations issued on October 4, 2019, (Doc. No. 16), are  
19 adopted in full;
- 20 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim  
21 upon which relief may be granted; and
- 22 3. The Clerk of the Court is directed to close this case.

23 IT IS SO ORDERED.

24 Dated: April 16, 2020

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27 UNITED STATES DISTRICT JUDGE  
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