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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY LEWIS,

 Plaintiff,

 v.

M.D. BITTER, et al.,

 Defendants.

No. 1:19-cv-00840-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 35)

Plaintiff Terry Lewis 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 August 3, 2020, the assigned magistrate judge screened plaintiff's fifth amended complaint and issued findings and recommendations, recommending that this action be dismissed based on plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 35.) Following the granting of an extension of time to do so, plaintiff timely filed objections on September 1, 2020. (Doc. No. 40.)

In his objections, plaintiff does not submit any arguments addressing the pending findings and recommendations, which screened plaintiff's fifth amended complaint. Instead, plaintiff's appears to have submitted a revised proposed complaint, although now it is one brought pursuant to *Bivens vs. Six Unknown Agents*, 403 U.S. 388 (1971), with allegations against many of the

1 same defendants as were asserted in his fifth amended complaint as well as several others. (*Id.* at
2 1–3.) Plaintiff was not granted leave to file a sixth amended complaint, and plaintiff had been
3 admonished previously that he “may not bring unrelated claims against unrelated parties in a
4 single action.” (Doc. No. 35 at 4) (citing Fed. R. Civ. P. 18(a), 20(a)(2); *Owens v. Hinsley*, 635
5 F.3d 950, 952 (7th Cir. 2011); *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)).

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

10 This court’s order dismissing such a claim does not foreclose the ability of plaintiff to file
11 a complaint pursuant to *Bivens*, if he believes it is necessary, but only prohibits him from
12 pursuing that claim asserting that separate claim and seeking relief in this action.

13 Accordingly,

- 14 1. The findings and recommendations issued on August 3, 2020 (Doc. No. 35), are
15 adopted in full;
- 16 2. This action is dismissed, with prejudice, due to plaintiff’s failure to state a cognizable
17 claim upon which relief may be granted; and
- 18 3. The Clerk of the Court is directed to close this case.

19 IT IS SO ORDERED.

20 Dated: March 12, 2021

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23 UNITED STATES DISTRICT JUDGE
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