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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MOHAMED SALADDIN MOUSA,
Plaintiff,
v.
TRUMP ADMINISTRATION, et al.,
Defendants.

No. 1:19-cv-01349-LJO-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTIONS FOR INJUNCTIVE RELIEF AND
DISMISSING BIVENS ACTION WITH
PREJUDICE FOR FAILURE TO STATE A
CLAIM

(ECF Nos. 13, 16, 18, 19)

Plaintiff Mohamed Saladdin Mousa, a state prisoner, is appearing pro se and *in forma pauperis* in this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). In his complaint, plaintiff alleges generally that since June 2019, he has been sending letters to the Director of Immigrations and Customs Enforcement (ICE) in Bakersfield requesting that he be taken to court on an ICE detainer but has received no response. (Doc. No. 17.) He seeks damages in compensation. (*Id.*) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 16, 2019, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s two motions for injunctive relief be denied, reasoning that the court lacks jurisdiction to adjudicate plaintiff’s requests to determine the

1 merits of his claim that he is exempt from deportation. (Doc. No. 18.) The findings and
2 recommendations were served on plaintiff and contained notice that any objections were to be
3 filed within thirty days from the date of service.

4 On December 16, 2019, plaintiff filed a first amended complaint. (Doc. No. 17.) On
5 December 17, 2019, the magistrate judge screened plaintiff's first amended complaint and issued
6 findings and recommendations, recommending that this matter be dismissed for plaintiff's failure
7 to state a cognizable *Bivens* claim. (Doc. No. 19.) The findings and recommendations were
8 served on plaintiff and contained notice that any objections were to be filed within thirty days
9 from the date of service. Subsequently on December 27, 2019, plaintiff filed a notice of change
10 of address. (Doc. No. 20.) Thereafter, on December 31, 2019, consistent with plaintiff's notice
11 of change of address, the December 17, 2019 findings and recommendations were returned to
12 this court as undeliverable.¹ On January 2, 2020, the December 17, 2019 findings and
13 recommendations were re-served on plaintiff at his updated address of record.

14 The period for plaintiff to have filed objections to the pending findings and
15 recommendations has passed and no objections have been filed.

16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
17 *de novo* review of this case. Having carefully reviewed the entire file, the court finds both sets of
18 findings and recommendations to be supported by the record and by proper analysis.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. The findings and recommendations, filed December 16, 2019 (Doc. No. 18) and
21 December 17, 2019 (Doc. No. 19), are ADOPTED IN FULL;
- 22 2. Plaintiff's motion for injunctive relief filed November 18, 2019 (Doc. No. 13) and
23 motion to lift the pending hold or grant an evidentiary hearing filed December 16,
24 2019 (Doc. No. 16) are DENIED;
- 25 3. Plaintiff's first amended complaint under *Bivens* (Doc. No. 17) is DISMISSED
26 WITH PREJUDICE for failure to state a cognizable claim;

27 _____
28 ¹ The December 16, 2019 findings and recommendations were not, however, returned to the
court as undeliverable.


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4. The Clerk of Court is directed to assign a district judge to this case for the purpose of closing the case; and

5. The Clerk of the Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: March 31, 2020


DALE A. FLOYD
UNITED STATES DISTRICT JUDGE