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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEBASTIAN P. BELTRAN,  
Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA, *et*  
*al.*,  
Defendants.

No. 1:19-cv-1436-DAD-EPG

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS

(Doc. No. 7)

Plaintiff Sebastian P. Beltran is proceeding *pro se* in this civil rights action filed under to 42 U.S.C. § 1983. 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 May 7, 2020, the assigned magistrate judge entered findings and recommendations recommending that this action be dismissed with prejudice due to plaintiff's failure to state a claim and failure to comply with the Federal Rules of Civil Procedure. (Doc No. 7.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within fourteen days. (*Id.*) On July 7, 2020, plaintiff untimely filed a document which appears to be a proposed Second Amended Complaint. (Doc. No. 10.) The court construes this document as plaintiff's objections to the magistrate judge's findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's  
3 objections, the court finds the findings and recommendations to be supported by the record and  
4 by proper analysis. Plaintiff's amended complaint, construed as objections to the findings and  
5 recommendations, does not address the numerous pleading failures identified by the magistrate  
6 judge, which include violations of Federal Rules of Civil Procedure 8, 18, and 20; the fact that  
7 plaintiff's efforts to challenge an underlying state court criminal conviction are not cognizable in  
8 a civil rights action such as this filed in federal court; and the related fact that claims for damages  
9 that would imply the invalidity of a conviction or sentence are barred by the decision in *Heck v.*  
10 *Humphrey*, 512 U.S. 477, 486–87 (1994).

11 Accordingly,

- 12 1. The findings and recommendations entered on May 7, 2020 (Doc. No. 7) are adopted  
13 in full;
- 14 2. This case is dismissed with prejudice due to plaintiff's failure to state a cognizable  
15 claim and failure to comply with the Federal Rules of Civil Procedure; and
- 16 3. The Clerk of Court is directed to assign a district judge to this case for the purpose of  
17 closing the case and then to close this case.

18 IT IS SO ORDERED.

19 Dated: December 11, 2020

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22 UNITED STATES DISTRICT JUDGE  
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