

1 Then, on February 24, 2020, plaintiff filed a second request for an extension of time to file
2 further supplemental objections. (Doc. No. 19.) On February 27, 2020, the court granted plaintiff an
3 additional thirty days to file supplemental objections. (Doc. No. 20.) However, plaintiff did not file
4 further objections.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de*
6 *novo* review of this case. Having carefully reviewed the entire file, including plaintiff's objections, the
7 court finds the findings and recommendations to be supported by the record and by proper analysis.

8 As stated in the magistrate judge's January 24, 2020 order, "the complaint does not contain
9 sufficient facts to determine whether or not plaintiff's claim is barred by *Heck v. Humphrey*, 512 U.S.
10 477. Although plaintiff is out of custody, he does not indicate whether he is subject to parole and/or
11 probation. Therefore, the court cannot determine whether plaintiff can proceed with any potential
12 claims in this action. Nor does plaintiff indicate whether he has sought relief by way of habeas corpus
13 which may impact his ability to proceed in this action." (Doc. No. 15.) Plaintiff objections do not
14 meaningful dispute the magistrate judge's analysis, and plaintiff cannot proceed with this action
15 simply based upon the fact that he was released from confinement subsequent to the filing of the
16 action.

17 Accordingly:

- 18 1. The October 24, 2019 findings and recommendations (Doc. No. 8) are adopted;
- 19 2. The instant action is dismissed for failure to state a cognizable claim for relief for relief
20 under 42 U.S.C. § 1983; and
- 21 3. The Clerk of the Court is directed to assign a district judge to this action and close this
22 case.

23 IT IS SO ORDERED.

24 Dated: April 21, 2020

25 
26 UNITED STATES DISTRICT JUDGE

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