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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAM CORTINAS

Plaintiff,

v.

S. GATES, et al.,

Defendants.

No. 1:19-cv-01709-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(Doc. No. 19)

Plaintiff Larry William Cortinas is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 15, 2020, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed due to plaintiff’s failure to state a cognizable claim upon which relief may be granted. (Doc. No. 19.) The findings and recommendations found that plaintiff’s allegations that defendants denied his inmate grievances and refused to conduct interviews in response to those grievances failed to establish a cognizable claim under the Eighth Amendment. (*Id.* at 5.) Given that plaintiff had received two prior opportunities to amend his complaint(*see* Doc. Nos. 12, 14), the findings and recommendations determined that further amendment would be futile. (Doc. No. 19 at 1, 6.)

1 The findings and recommendations were served on plaintiff and contained notice that any
2 objections thereto were to be filed within twenty-one (21) days from the date of service. (*Id.*)
3 Plaintiff filed objections on November 6, 2020. (Doc. No. 20.) In his objections, plaintiff
4 contends that defendant Gates must have known of plaintiff's pain given plaintiff's medical
5 records as well as his personal letters sent to defendant Gates. (*Id.* at 1–2.) Plaintiff also argues
6 that he should not have to resort to use of illegal drugs in prison in order to obtain relief from his
7 pain. (*Id.* at 3.) The court finds the conclusion reached in the findings and recommendations that
8 plaintiff has failed to allege facts demonstrating that the actions or inactions of defendants Gates
9 or Lewis caused the harm or deprivation of which plaintiff complains (Doc. No. 19 at 5), to be
10 correct. In addition, the pending findings and recommendations also correctly note that plaintiff
11 lacks a constitutional entitlement to a specific inmate grievance procedure and that his claim
12 based upon the handling and denial of his inmate appeals is not cognizable.

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

17 Accordingly,

- 18 1. The findings and recommendations issued on October 15, 2020 (Doc. No. 19) are
19 adopted in full;
- 20 2. This action is dismissed with prejudice due to plaintiff's failure to state a claim on
21 which relief can be granted; and,
- 22 3. The Clerk of the Court is directed to close this case.

23 IT IS SO ORDERED.

24 Dated: December 4, 2020

25 
26 UNITED STATES DISTRICT JUDGE