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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADRIAN ORTIZ,
Plaintiff,
v.
MIKE BOUDREAUX, et al.,
Defendants.

No. 1:19-cv-01782-ADA-HBK (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATION
(ECF No. 22)

Plaintiff Adrian Ortiz (“Plaintiff”) initiated this action as a prisoner proceeding *pro se* and *in forma pauperis* by filing a civil rights complaint under 42 U.S.C. § 1983. (See ECF Nos. 1, 2.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned Magistrate Judge screened Plaintiff’s complaint and found that Plaintiff failed to state a cognizable claim. (See ECF No. 11.) Plaintiff was given sixty days to file an amended complaint, and Plaintiff filed his First Amended Complaint (“FAC”). (ECF No. 12.)

The Magistrate Judge screened the FAC and found that it failed to state a cognizable claim. (See ECF No. 18.) Plaintiff filed a second amended complaint (“SAC”). (ECF No. 21.) The Magistrate Judge then issued a findings and recommendation, which was served on Plaintiff and contained notice that objections to such findings and recommendation were to be filed within fourteen days. (ECF No. 22.) The Magistrate Judge screened Plaintiff’s SAC and found that it

1 failed to state cognizable claims under HIPAA and the Eighth Amendment. (*Id.*) Because Plaintiff
2 was previously provided with the relevant pleading and legal standards but was still unable to cure
3 the deficiencies in his FAC, the Magistrate Judge recommended that further leave to amend was
4 not warranted, that Plaintiff's SAC be dismissed, and the case be closed. (*Id.*) Plaintiff did not file
5 any objections.

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

9 Accordingly,

- 10 1. The findings and recommendations, filed on March 22, 2023, (ECF No. 22), are adopted
11 in full;
- 12 2. Plaintiff's Second Amended Complaint is dismissed, without prejudice; and
- 13 3. The Clerk of Court is directed to close this case.

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16 IT IS SO ORDERED.

17 Dated: May 30, 2023

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UNITED STATES DISTRICT JUDGE