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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEVIN CURLEY,  
  
Plaintiff,  
  
v.  
  
CHIEF DEPUTY WARDEN CLARK, et  
al.,  
  
Defendants.

**1:20-cv-00453-JLT (PC)**  
  
**ORDER DIRECTING CLERK OF  
COURT TO ASSIGN DISTRICT JUDGE;  
AND**  
  
**FINDINGS AND RECOMMENDATIONS  
TO DISMISS COMPLAINT WITH  
LEAVE TO AMEND**  
  
**(Doc. 1)**  
  
**FOURTEEN-DAY DEADLINE**

On November 3, 2020, the Court screened plaintiff’s complaint and found it to be devoid of a cognizable claim. (Doc. 8.) The Court directed Plaintiff to file a first amended complaint curing the deficiencies identified by the Court in the order, a notice of voluntary dismissal, or a notice of election to stand on the complaint. Plaintiff has now filed two responses, which the Court construes as a notice of election to stand on the complaint. (Docs. 9-10.) Accordingly, the Court **ORDERS**:

1. The Clerk of Court to assign a district judge to this case; and
2. The Court **RECOMMENDS** that the complaint be dismissed with leave to amend.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these Findings and Recommendations, the parties may file written objections

1 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
2 Recommendations.” The parties are advised that failure to file objections within the specified time  
3 may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.  
4 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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IT IS SO ORDERED.

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Dated: December 4, 2020

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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