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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELCHESTER PHILLIPS, JR.,

Plaintiff,

v.

MICHAEL REINHART, California
Superior Court Judge at Kings County
Superior Court, and KINGS COUNTY
SUPERIOR COURT,

Defendants.

No. 1:20-cv-01034-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
FIRST AMENDED COMPLAINT WITHOUT
LEAVE TO AMEND

(Doc. No. 8)

Plaintiff Melchester Phillips, Jr., is a pretrial detainee in the Kings County Jail 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 July 31, 2020, the assigned magistrate judge screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and determined that it failed to state a cognizable claim for relief. (Doc. No. 5.) Plaintiff was granted leave to file a first amended complaint to attempt to cure the deficiencies identified by the screening order within thirty days. (Id. at 12–13.) Plaintiff Phillips timely mailed an amended complaint to this court, which was entered on the docket on August 24, 2020. (Doc. No. 7.)

1 On September 3, 2020, the assigned magistrate judge screened plaintiff's first amended
2 complaint and issued findings and recommendations, recommending that the action be dismissed
3 with prejudice due to plaintiff's failure to state a claim and without leave to amend. (Doc. No. 8.)
4 The findings and recommendations were served on plaintiff and contained notice that any
5 objections were to be filed within thirty days. (Id. at 12–13.) No objections were filed, and the
6 time to do so has now passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 de novo review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 3, 2020 (Doc. No. 8) are
12 adopted in full;
- 13 2. Plaintiff's first amended complaint is dismissed without leave to amend due to
14 plaintiff's failure to state a cognizable claim and because the granting of further
15 leave to amend would be futile; and
- 16 3. The Clerk of the Court is directed to close this action.

17 IT IS SO ORDERED.

18 Dated: November 23, 2020

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21 UNITED STATES DISTRICT JUDGE
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