

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 COLLEEN M. COURTNEY,

10 Plaintiff,

11 v.

12 HOUSING AUTHORITY OF THE COUNTY
13 OF KINGS, et al.,

14 Defendants.
15

No. 1:20-cv-01296-NONE-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATION

(Doc. No. 17)

16 On September 11, 2020, plaintiff Colleen M. Courtney, proceeding *pro se* and *in forma*
17 *pauperis*, filed an action alleging unlawful housing discrimination. (Doc. No. 1.) On January 19,
18 2021, the assigned magistrate judge issued a screening order finding that plaintiff failed to state a
19 claim upon which relief may be granted and provided plaintiff twenty-one days leave to file an
20 amended complaint curing the pleading deficiencies identified in the order. (Doc. No. 4.)
21 Plaintiff was subsequently granted three extensions of time, ultimately until August 18, 2021, to
22 file an amended complaint. (*See* Doc. Nos. 6, 8, 10.)

23 On August 16, 2021, plaintiff filed a “Response to First Screening Order.” (Doc. No. 11.)
24 Plaintiff re-attached her initial complaint, stating she “feels[] that [the screening standard] ha[s]
25 already been met within the instructions provided by the Previous filed Prose [sic] Form,” and
26 requested that the court “reconsider” the initial complaint. (*See id.*)

27 On August 17, 2021, the assigned magistrate judge issued an order requiring plaintiff to
28 show cause in writing, within twenty-one days of the date of service of the order, why a

1 recommendation should not issue recommending that this action to be dismissed due to plaintiff's
2 failure comply with the court's screening order by not filing an amended complaint (the "OSC").
3 (Doc. No. 12.) Plaintiff was warned in both the screening order and the OSC that her failure to
4 comply with the court's order would result in a recommendation to the assigned district judge that
5 this action be dismissed. (*Id. See also* Doc. No. 4.)

6 On September 7, 2021, plaintiff filed a response to the OSC, asserting again that her
7 original complaint satisfied the screening standard.¹ (Doc. No. 13.) On September 13, 2021, the
8 assigned magistrate judge therefore issued an order providing plaintiff with one final opportunity
9 to file an amended complaint, given that a copy of the court's initial screening order had not been
10 mailed to plaintiff as indicated in the OSC.² (Doc. No. 14 at 2, 4.) Plaintiff was advised once
11 more that her failure to comply with the court's order would result in a recommendation that this
12 action be dismissed. (*Id.* at 4.)

13 On September 15, 2021, plaintiff filed a "Final Motion to: [sic] Induce Magistrate Judge
14 Oberto to Make a Fair and Impartial [sic] Judicial [sic] Decision Without Personal Prejudicial [sic]
15 Objections Hindering the Forward Movement of Case to Be Heard in Court. Stop Obstructioning
16 [sic] Justice to Meet Judge's Personal Unrealistic [sic] Requirements with Constant Interruptions
17 [sic] to Pro Se's Hearing of Enforcement by Private Persons—Puruant [sic] to [U.S.C sec. 3613],"
18 once again asserting that she had sufficiently stated a claim in her original complaint. (Doc. No.
19 15.)³

20 On October 18, 2021, the assigned magistrate judge therefore issued findings and
21 recommendations recommending that this case be dismissed with prejudice due to plaintiff's

22 ¹ Plaintiff also requested appointment of counsel pursuant to 42 U.S.C. § 3613(b), which request
23 the assigned magistrate judge denied. (*See* Doc. Nos. 13, 14.)

24 ² The screening order was re-served on Plaintiff on September 20, 2021. (*See* Docket.) On October
25 7, 2021, plaintiff filed a "response" to the screening order, stating that she had "already answered
26 this Case Screening requirements to the best of her ability." (Doc. No. 16.)

27 ³ Plaintiff also appeared to object to the assigned magistrate judge's denial of her request for
28 appointment of counsel, which the magistrate judge construed as a motion to reconsider plaintiff's
request in that regard. (*See* Doc. Nos. 15, 17.) The motion for reconsideration was denied. (*See*
Doc. No. 17.)

1 failure to obey the court's orders and for failure to state a claim. (Doc. No. 17.) The findings and
2 recommendation were served on plaintiff and contained notice that any objections thereto were
3 due within twenty-one days. (*See id.*)

4 On October 28, 2021, Chief District Judge Kimberly J. Mueller issued an order of
5 clarification, indicating that no district judge would be available to take action in civil
6 Unassigned/NONE cases until further notice. (Doc. No. 18.) On November 5, 2021, plaintiff
7 filed a document entitled "Motion re: Order of Clarification," in which she advanced a number of
8 requests and arguments. (Doc. No. 19.) On November 23, 2021, the undersigned issued a minute
9 order providing plaintiff with additional time, until December 10, 2021, to file objections to the
10 assigned magistrate judge's findings and recommendation, to the extent plaintiff may have
11 harbored any confusion about the deadline to file objections. (Doc. No. 23.) On December 6,
12 2021, plaintiff timely filed objections.⁴ (Doc. No. 24.)


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 the case. Having carefully reviewed the entire file, including plaintiff's
15 objections, the court finds that the findings and recommendation are supported by the record and
16 proper analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The findings and recommendation issued October 18, 2021 (Doc. No. 17), are
19 ADOPTED IN FULL;
- 20 2. This action is dismissed with prejudice; and
- 21 3. The Clerk of the Court is directed to close this case.

22
23 IT IS SO ORDERED.

24 Dated: December 17, 2021

25 
26 _____
27 UNITED STATES DISTRICT JUDGE

28 ⁴ On November 5, 2021, plaintiff appealed from the findings and recommendations and that
appeal was dismissed for lack of jurisdiction by the Ninth Circuit on December 8, 2021. (Doc.
Nos. 20, 25.)