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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNY J. SHILOH,
Plaintiff,
v.
COUNTY OF KERN, et al.,
Defendants.

No. 1:20-cv-01438-DAD-JLT

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
COMPLAINT WITHOUT PREJUDICE, AND
DENYING MOTION TO PROCEED *IN
FORMA PAUPERIS*

(Doc. Nos. 1, 2, 3)

Plaintiff Kenny J. Shiloh seeks to proceed *pro se* and *in forma pauperis* in this action alleging claims of discrimination based on a disability, civil rights violations pursuant to 42 U.S.C. § 1983, due process violations, and identity theft. (Doc. 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.

On October 29, 2020, the assigned magistrate judge issued findings and recommendations, recommending that the complaint be dismissed without prejudice and plaintiff’s motion to proceed *in forma pauperis* be denied. (Doc. No. 3 at 13.) Specifically, the magistrate judge found that: (1) plaintiff’s allegations do not support cognizable claims under the

1 Fourteenth Amendment, the Americans with Disabilities Act, or against municipal or state
2 entities pursuant to 42 U.S.C. § 1983; (2) the court lacks jurisdiction over plaintiff's claims barred
3 by the *Rooker-Feldman* doctrine prohibiting appellate review in federal court of decisions made
4 by state court; and (3) the federal identity theft statute, 18 U.S.C. § 1028, does not provide a
5 private cause of action or a civil remedy. (*Id.* at 6–12.) The findings and recommendations also
6 found that it did not appear that the listed deficiencies in plaintiff's complaint could be cured by
7 amendment, such that granting leave to amend would be futile. (*Id.* at 13.) The findings and
8 recommendations were served on plaintiff and contained notice that any objections were to be
9 filed within thirty (30) days of the date of service. (*Id.* at 3.) To date, plaintiff has filed no
10 objections to the findings and recommendations, and the time for doing so has now passed.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
12 conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
13 undersigned concludes that the findings and recommendation are supported by the record and
14 proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued on October 29, 2020 (Doc. No. 3) are
17 adopted in full;
- 18 2. Plaintiff's complaint (Doc. No. 1) is dismissed without prejudice; and
- 19 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied.

20 IT IS SO ORDERED.

21 Dated: December 10, 2020

22 
UNITED STATES DISTRICT JUDGE