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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN WILLIAM ARGEL,  
Plaintiff,  
v.  
GODWIN, *et al.*,  
Defendants.

No. 1:21-cv-00597-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 20)

Plaintiff John William Argel is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 16, 2021, the assigned magistrate judge screened plaintiff's second amended complaint and issued an order granting plaintiff leave to file a third amended complaint or a notice of voluntary dismissal within thirty (30) days. (Doc. No. 17.) In lieu of filing a third amended complaint, on October 14, 2021, plaintiff filed a response to the screening order. (Doc. No. 19.) The magistrate judge construed the response as an indication that plaintiff wished to stand on the allegations of his second amended complaint. Accordingly, on October 12, 2021, the magistrate judge re-screened the allegations of the second amended complaint, and issued findings and recommendations recommending that this action be dismissed, with prejudice, due to plaintiff's failure to state a claim pursuant to 28 U.S.C. § 1915A. (Doc. No. 20.) On November 8, 2021, plaintiff timely filed objections to the findings and recommendations and re-

1 filed his response to the magistrate judge’s screening order. (Doc. Nos. 22, 23.) On November  
2 29, 2021, plaintiff filed a further request for relief reiterating his request for an emergency  
3 injunction based on the allegations of his second amended complaint. (Doc. No. 24.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
5 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s  
6 objections, response to the screening order, and further request for relief, the court finds the  
7 findings and recommendations to be supported by the record and by proper analysis.

8 Plaintiff objects to the magistrate judge’s finding that plaintiff’s laundry list of unrelated  
9 complaints is not adequately linked to any named individual defendant. (Doc. No. 23 at 1.)  
10 Plaintiff argues that he has established a pattern of unconstitutional behavior. (*Id.*) Even  
11 assuming plaintiff has alleged facts establishing a pattern of unconstitutional behavior, he must  
12 still link the offending conduct to a named defendant. The magistrate judge correctly found that  
13 plaintiff has failed to do so. Dismissal of plaintiff’s § 1983 claims would be sufficient on this  
14 ground alone.

15 Plaintiff also objects to the finding that he failed to allege supervisory liability but he fails  
16 to establish any errors in the magistrate judge’s reasoning in this regard. (*Id.* at 1–2.) Plaintiff  
17 indicates he does not agree with the conclusion reached as to this issue in the pending findings  
18 and recommendations on policy grounds, but this court cannot ignore the Supreme Court’s  
19 interpretation of § 1983.

20 Plaintiff next objects to the magistrate judge’s conclusion that his second amended  
21 complaint fails to comply with Federal Rules of Civil Procedure 18 and 20. However, the  
22 magistrate judge did not recommend dismissal of the second amended complaint on those  
23 grounds and this objection is therefore misguided. (*Id.* at 3.)

24 The remaining objections stated by plaintiff do not establish flaws with the magistrate  
25 judge’s legal analysis or identify any factual allegations that the magistrate judge overlooked.

26 Accordingly,

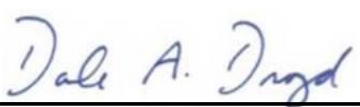
- 27 1. The findings and recommendations issued on October 21, 2021, (Doc. No. 20), are  
28 adopted in full;

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2. This action is dismissed, with prejudice, due to plaintiff's failure to state a cognizable claim upon which relief may be granted; and
3. The Clerk of the Court is directed to assign a district judge to this case for the purpose of closing the case, then to close this case, and terminate all other pending motions and deadlines.

IT IS SO ORDERED.

Dated: January 6, 2022

  
UNITED STATES DISTRICT JUDGE