

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNELL COX,  
  
Plaintiff,  
  
v.  
  
NORTH KERN STATE PRISON  
OFFICIALS,  
  
Defendant.

No. 1:21-cv-00860-NONE-BAM (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DISMISSAL OF ACTION, WITH  
PREJUDICE, FOR FAILURE TO COMPLY  
WITH FEDERAL RULE OF CIVIL  
PROCEDURE 8 AND FAILURE TO STATE  
A COGNIZABLE CLAIM  
  
(Doc. No. 18)

Plaintiff Donnell Cox is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 8, 2021, the assigned magistrate judge screened plaintiff’s second amended complaint and issued findings and recommendations recommending that this action be dismissed due to plaintiff’s failure to comply with Federal Rule of Civil Procedure 8 and failure to state a cognizable claim upon which relief may be granted. (Doc. No. 18.) Among other things, the findings and recommendations concluded that the allegations of plaintiff’s second amended complaint had failed to sufficiently link any defendant to any potential constitutional violation. (*Id.* at 4.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 8.) Plaintiff has

1 not filed objections, and the deadline to do so has now passed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
3 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
4 and recommendations to be supported by the record and by proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on October 8, 2021, (Doc. No. 18), are  
7 adopted in full;
- 8 2. This action is dismissed, with prejudice, due to plaintiff's failure to comply with  
9 Federal Rule of Civil Procedure 8 and failure to state a cognizable claim upon which  
10 relief may be granted; and
- 11 3. The Clerk of the Court is directed to assign a district judge to this case for the purpose  
12 of closing the case and then to close this case.

13 IT IS SO ORDERED.

14 Dated: November 21, 2021

15   
16 \_\_\_\_\_  
17 UNITED STATES DISTRICT JUDGE

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28