

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

CLIFTON WILLIAMS, JR,

Plaintiff,

v.

PATRICK HOGAN, et al.,

Defendants.

No. 1:22-cv-00044-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 9)

Plaintiff Clifton Williams, Jr, proceeding *pro se* and *in forma pauperis*, initiated this civil action on January 11, 2022. (Doc. No. 1.) 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 April 15, 2022, the assigned magistrate judge screened plaintiff's operative first amended complaint, in which plaintiff asserts a malicious prosecution claim against defendant Patrick Hogan (a deputy district attorney in Modesto) and defendant Katherine Blum (an officer with the Modesto Police Department), and found that plaintiff had failed to state any cognizable claim for relief. (Doc. No. 9.) In particular, the magistrate judge took judicial notice of the state court records in the plaintiff's criminal prosecution, which reflected that those proceedings are ongoing, and issued findings and recommendations recommending that this action be dismissed on the ground that plaintiff's claims are barred under the *Younger* abstention doctrine. (*Id.* at 3–5) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). In addition, the magistrate judge found that

1 plaintiff failed to state a cognizable malicious prosecution claim because “the relevant state
2 criminal action against plaintiff has not been terminated in a manner favorable to the plaintiff, and
3 has not shown that the criminal prosecution has ended without a conviction”—required elements
4 for such a claim. (*Id.* at 5–6.) The pending findings and recommendations were served on
5 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
6 days after service. (*Id.* at 7.) On April 25, 2022, plaintiff timely filed objections to the pending
7 findings and recommendations. (Doc. No. 10.)

8 In his objections, plaintiff does not meaningfully object to the findings and
9 recommendations or to the fact that his criminal proceedings in state court remain pending.
10 Rather, plaintiff admits that his criminal case is still pending, but he contends that only certain
11 charges remain in the criminal proceeding, and thus this court should allow this civil rights action
12 to proceed. (Doc. No. 10 at 2.) However, as explained in the pending findings and
13 recommendations, the “[c]ourt will not interfere in the on-going criminal proceedings currently
14 pending against plaintiff.” (Doc. No. 9 at 5.) Accordingly, plaintiff’s objections provide no basis
15 upon which to reject the pending findings and recommendations.

16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
17 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s
18 objections, the court concludes the findings and recommendations are supported by the record
19 and by proper analysis.

20 Accordingly,

- 21 1. The findings and recommendations issued on April 15, 2022 (Doc. No. 9) are
22 adopted in full;
- 23 2. This action is dismissed due to plaintiff’s failure to state a cognizable claim for
24 relief; and
- 25 3. The Clerk of the Court is directed to close this case.

26 IT IS SO ORDERED.

27 Dated: August 11, 2022

28 
UNITED STATES DISTRICT JUDGE