

1 After Plaintiff failed to file any objections, the Court adopted the findings and
2 recommendations on August 11, 2022. (Doc. No. 11.) However, on August 19, 2022, Plaintiff
3 filed objections to the Court’s order adopting the findings and recommendations, arguing that he
4 never received a copy of the findings and recommendations and thus could not properly object to
5 them. (Doc. No. 13.) In light of Plaintiff’s objections, and in an abundance of caution, the Court
6 reopened the case, vacated the previous order adopting the findings and recommendations, and
7 ordered plaintiff to file objections to the previous findings and recommendations within thirty
8 (30) days of service. (Doc. No. 14.) On September 27, 2022, Plaintiff timely filed objections.
9 (Doc. No. 16.)

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
11 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
12 including Plaintiff’s objections, the Court concludes that the findings and recommendations are
13 supported by the record and by proper analysis.

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16 In his objections, Plaintiff states that the Magistrate Judge erred in its interpretation of the
17 complaint concluding that Plaintiff was only challenging the “unlawfully manufactured and false
18 evidence against him”. (Doc. No. 16 at 2.) Plaintiff argues that in his complaint, he is also
19 challenging the “intentionally extreme and/or blatant lawlessness in conduct by the defendants[’]
20 demonstrated performance in his ongoing state criminal prosecution” which establish an
21 intentional violation of his constitutional rights. (*Id.*) However, the Court finds that the
22 Magistrate Judge addressed the Plaintiff’s malicious prosecution claim on the findings and
23 recommendations issued on April 6, 2022. (Doc. No. 9.) The Magistrate Judge correctly
24 concluded that Plaintiff failed to state a claim for malicious prosecution because (1) Plaintiff
25 cannot allege that the case was concluded in his favor because the proceedings are ongoing in
26 state court and (2) neither can Plaintiff allege the additional element that the motive of his state
27 prosecution was to prevent Plaintiff from exercising his constitutional rights. (Doc. No. 9 at 9-
28 11.).

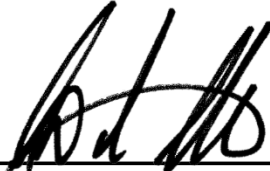
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Accordingly,

1. The findings and recommendations issued on April 6, 2022 (Doc. No. 9) are ADOPTED in full;
2. Plaintiff's motions for injunctive relief (Doc. Nos. 4, 10)¹ are DENIED;
3. This action is DISMISSED without leave to amend; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: November 29, 2022


UNITED STATES DISTRICT JUDGE

¹ On May 2, 2022, Plaintiff filed a motion repeating his request that the Court enjoin his state court criminal prosecution. (Doc. No. 10.) That most recently filed motion will be denied for the same reasons identified by the Magistrate Judge in the findings and recommendations.