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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | | |
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| 11 | CORNEL JACKSON, | No. 1:22-cv-00069-ADA-EPG | |
| 12 | Plaintiff, | | |
| 13 | v. | ORDER ADOPTING FINDINGS AND RECOMMENDATIONS DISMISSING | |
| 14 | COUNTY OF MADERA, et al., | ACTION WITHOUT LEAVE TO AMEND | |
| 15 | Defendants. | (Doc. No. 9) | |
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| 18 | Plaintiff Cornel Jackson is a pretrial detainee proceeding pro se and in forma pauperis in | | |
| 19 | this civil rights action filed pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) This matter was referred | | |
| 20 | to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. | | |
| 21 | On April 6, 2022, the assigned Magistrate Judge issued findings and recommendations, | | |
| 22 | recommending that this action be dismissed, without leave to amend, because Plaintiff failed to | | |
| 23 | state any cognizable claims that could proceed at this time in light of his ongoing state criminal | | |
| 24 | proceedings. (Doc. No. 9.) Additionally, the assigned Magistrate Judge recommended that | | |
| 25 | Plaintiff's motion for a preliminary injunction, which sought to enjoin his state court criminal | | |
| 26 | prosecution, be denied. (Id. at 12.) Those findings and recommendations were served on Plaintiff | | |
| 27 | and contained notice that any objections thereto were to be filed within twenty-one (21) days of | | |
| 28 | service. (Id.) | | |
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| 1 | After Plaintiff failed to file any objections, the Court adopted the findings and | | |
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| 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 <i>de novo</i> 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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| 1 | Accordingly, | | |
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| 2 | 1. | The findings and recommendations issued on April 6, 2022 (Doc. No. 9) are | |
| 3 | | ADOPTED in full; | |
| 4 | 2. | Plaintiff's motions for injunctive relief (Doc. Nos. 4, 10) ¹ are DENIED; | |
| 5 | 3. | This action is DISMISSED without leave to amend; and | |
| 6 | 4. | The Clerk of the Court is directed to close this case. | |
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| 9 | IT IS SO ORDERED. | | |
| 10 | Dated: | | |
| 11 | | UNITED STATES DISTRICT JUDGE | |
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| 27 | ¹ On May 2, 2022, Plaintiff filed a motion repeating his request that the Court enjoin his state court criminal | | |
| 28 | | Doc. No. 10.) That most recently filed motion will be denied for the same reasons identified by the ge in the findings and recommendations. | |
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