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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY A. AUSTIN,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 1:22-cv-00252-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF’S FAILURE
TO STATE A CLAIM

(Doc. No. 8)

Plaintiff Gregory A. Austin, proceeding *pro se* and *in forma pauperis*, initiated this civil action on March 1, 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 complaint and found that plaintiff had failed to state any cognizable claim. (Doc. No. 6.) In that screening order, the court provided plaintiff guidance regarding the pleading and legal standards applicable to the several claims that he was attempting to assert in his complaint. (*Id.* at 4–6.) Plaintiff was granted leave to file an amended complaint within thirty (30) days from service of that screening order. (*Id.* at 8.) Plaintiff filed a first amended complaint (“FAC”) on May 6, 2022. (Doc. No. 7.)

On May 13, 2022, the magistrate judge screened plaintiff’s FAC and issued findings and recommendations recommending that the court dismiss this action, without granting further leave

1 to amend, due to plaintiff's failure to state a cognizable claim upon which relief may be granted.
2 (Doc. No. 8.) In particular, the magistrate judge found that, despite the guidance provided in the
3 screening order addressing plaintiff's original complaint, in his FAC plaintiff again had failed to
4 state any cognizable claims. (*Id.*) Those 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 May 24, 2022, plaintiff timely filed objections to the pending
7 findings and recommendations. (Doc. No. 9.)

8 In his objections, plaintiff merely restates the allegations in his FAC. (*Compare* Doc. No.
9 9 *with* Doc. No. 7.) Plaintiff does not address the analysis set forth in the pending findings and
10 recommendations or proffer new allegations that he would include in an amended complaint if he
11 were granted leave to file a second amended complaint. (*Id.*)

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

16 Accordingly,

- 17 1. The findings and recommendations issued on May 13, 2022 (Doc. No. 8) are
18 adopted;
- 19 2. This action is dismissed due to plaintiff's failure to state a cognizable claim for
20 relief; and
- 21 3. The Clerk of the Court is directed to close this case.

22 IT IS SO ORDERED.

23 Dated: June 2, 2022

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26 UNITED STATES DISTRICT JUDGE
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