

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 SEAN JEFFERY RICHSON-BEY,
12 Plaintiff,
13 v.
14 JUAREZ,
15 Defendant.
16

No. 1:22-cv-00567-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS

(Doc. No. 9)

17 Plaintiff Sean Jeffery Richson-Bey is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

19 On June 30, 2022, the assigned magistrate judge screened plaintiff's complaint and
20 granted plaintiff leave to file an amended complaint or notify the court of his willingness to
21 proceed on the cognizable claim identified by the court. (Doc. No. 6.) On July 12, 2022, plaintiff
22 notified the court of his willingness to proceed on the cognizable claim identified by the court.
23 (Doc. No. 7.)

24 Pursuant to plaintiff's notification, the magistrate judge issued findings and
25 recommendations that this action proceed on plaintiff's complaint against defendant Juarez for
26 excessive force in violation of the Eighth Amendment. (Doc. No. 9.) The magistrate judge
27 further recommended that all other claims be dismissed based on plaintiff's failure to state claims
28 upon which relief may be granted. (*Id.*) The findings and recommendations were served on

1 plaintiff and contained notice that any objections were to be filed within fourteen (14) days after
2 service. (*Id.* at 6.)

3 On August 1, 2022, plaintiff filed objections to the findings and recommendations. (Doc.
4 No. 10.) Plaintiff's objections do not relate to the substance of the findings and recommendations
5 or the cognizable claim found by the magistrate judge, but apparently seeks to clarify plaintiff's
6 argument as to the source of his rights under the 1836 United States-Morocco Treaty of Peace and
7 Friendship. (*Id.*) As discussed in the findings and recommendations, plaintiff cannot state a
8 claim under the 1836 United States-Morocco Treaty of Peace and Friendship, and, to the extent
9 plaintiff seeks to raise claims arising under that treaty, those claims are frivolous and fail to state
10 a cognizable claim for relief. (*See* Doc. No. 9 at 5.)


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

15 Accordingly,

- 16 1. The findings and recommendations issued on July 13, 2022, (Doc. No. 9), are adopted
17 in full;
- 18 2. This action shall proceed on plaintiff's complaint, filed May 11, 2022, (Doc. No. 1),
19 against Defendant Juarez for excessive force in violation of the Eighth Amendment;
- 20 3. All other claims are dismissed from this action for failure to state claims upon which
21 relief may be granted; and
- 22 4. This action is referred back to the magistrate judge for proceedings consistent with this
23 order.

24
25
26 IT IS SO ORDERED.

27 Dated: September 15, 2022

28

UNITED STATES DISTRICT JUDGE