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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY RICHARDO TURNER,

Plaintiff,

No. CIV S-07-0990 GEB GGH P

vs.

JAMES A. TILTON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff, at the time of filing this action was evidently a Yolo County pretrial detainee. By Order, filed on 3/24/08, this court directed that the plaintiff’s purported petition be re-designated an action pursuant to 42 U.S.C. § 1983. Construed as a complaint, plaintiff’s pleading, violative of Fed. R. Civ. P. 8, and setting forth “a litany of multiple unrelated claims against different would-be defendants” constituted the kind of “mishmash of a complaint’ that has been roundly repudiated,” and was dismissed with leave to amend within thirty days. See Order, filed on 3/24/08. Notwithstanding the defects of the complaint, the court set forth the guidelines and standards by which plaintiff might set forth colorable allegations. The court also took judicial notice of three other complaints plaintiff has pending in this court and cautioned plaintiff not to be duplicative in any amended complaint. See, *id.* Plaintiff was further cautioned that failure to file an amended complaint would result in a recommendation of dismissal.

1 Plaintiff did not file an amended complaint, instead, plaintiff continued to identify  
2 himself as a petitioner in a filing he entitled, in part, a “motion for writ of mandamus to compel  
3 compliance to court orders already issued...” This document is neither relevant nor responsive  
4 to the court’s order. Therefore the court will now recommend dismissal of this action.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

6 These findings and recommendations are submitted to the United States District  
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
8 days after being served with these findings and recommendations, plaintiff file written objections  
9 with the court. Such a document should be captioned “Objections to Magistrate Judge's Findings  
10 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
11 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
12 (9th Cir. 1991).

13 DATED: January 20, 2009

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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