

1 On November 4, 2009, the Court screened Plaintiff’s Complaint as required by 28 U.S.C. §
2 1915A(a). (Dkt #24). Plaintiff’s Complaint sought monetary damages and injunctive relief for
3 Defendants’ alleged violations of his civil rights and the California Penal Code. (*Id.*) The
4 Complaint alleged that Defendants committed a hate-crime in violation of California Penal Code §
5 422.55; falsified records in violation of California Penal Code § 141 in an attempt to have Plaintiff
6 charged with a crime; and assaulted Plaintiff in violation of California Penal Codes § 240 and 242.
7 (*Id.*) However, Plaintiff’s Complaint provided few factual details about the events that form the
8 basis of his Complaint. Instead, the Complaint listed legal allegations of civil rights violations or
9 criminal conduct in a conclusory manner against each Defendant without providing a factual basis
10 or describing the underlying events. (*Id.*) As a result, the Court dismissed Plaintiff’s Complaint
11 with leave to amend if Plaintiff believed he could cure the noted deficiencies. (*Id.*)

12 In response, Plaintiff submitted the present pleading entitled “Amended Complaint” (Dkt.
13 #25). Plaintiff’s Amended Complaint also fails to provide any facts to support his claim that his
14 civil rights were violated. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 553-57 (2007)
15 (stating that the standard to avoid dismissal under Rule 12(b)(6) does not require detailed factual
16 allegations, but a plaintiff must provide more than mere labels and conclusions). Where it is clear
17 that the plaintiff cannot prove any set of facts in support of the claim that would entitle him or her
18 to relief, dismissal for failure to state a claim is proper. *See Morley v. Walker*, 175 F.3d 756, 759
19 (9th Cir. 1999). The Amended Complaint states that Plaintiff’s civil rights were violated when his
20 prison sentence was extended by eight months and because he has been denied access to religious
21 services for his faith group. (*Id.* at 5). In addition, Plaintiff states that unidentified “federal rights”
22 have been violated by the unspecified acts of Defendants. (*Id.* at 4-5). However, Plaintiff has not
23 provided any factual details regarding these vague allegations and the Court is left with mere
24 labels and conclusions.¹

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26 ¹The Amended Complaint does include new allegations that prison authorities have denied
27 Plaintiff access to a videotape interview he gave and that prison officials have not answered
28 numerous grievances filed by Plaintiff. (*Id.* at 3). However, Plaintiff does not provide details
other than these bare allegations and states that these details are “meaningless” unless the Court

1 Instead of providing details related to the alleged violations of his civil rights, Plaintiff
2 argues that the defendants should be criminally prosecuted for their actions and that the matter
3 should be remanded to state court. (Dkt. #25). The District Judge has already considered and
4 denied Plaintiff’s request to remand. (See Dkt. #18). Plaintiff appealed the District Judge’s ruling
5 to the Ninth Circuit (Dkt. #19-20) and his appeal was dismissed due to lack of jurisdiction (Dkt.
6 #26). As a result, the Court will not revisit Plaintiff’s request to remand.

7 In the alternative, Plaintiff requests that the Court grant him relief by dismissing this action
8 with or without prejudice or submitting a recommendation that the California Attorney General be
9 sanctioned for representing Defendants in this matter. (Dkt. #25 at 5). As the Court finds that
10 Plaintiff has failed to remedy the deficiencies of his initial complaint, failed to state a claim upon
11 which relief may be granted and has requested relief in the form of voluntary dismissal of this
12 action, the Court will recommend that this action be dismissed with prejudice. Accordingly,

13 **IT IS RECOMMENDED** that Plaintiff’s Amended Complaint (Dkt. #25) be **dismissed**
14 **with prejudice** due to Plaintiff’s failure to state a claim upon which relief may be granted and
15 Plaintiff’s request that this action be dismissed.

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26 remands this action to state court. (*Id.* at 1). As a result of the lack of information provided by
27 Plaintiff regarding these new allegations and the Plaintiff’s insistence that the Court remand this
28 action to state court or dismiss his complaint, the Court finds these allegations constitute mere
labels and conclusions and are insufficient to state a valid claim upon which relief may be granted.
See Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 553-57 (2007).

