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

MICHAEL WEBSTER &
RACARDO JACKSON,

Plaintiffs,

No. CIV S-07-2282 MCE KJM P

vs.

GARY R. STANTON, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

Plaintiffs are county jail inmates who seek relief under 42 U.S.C. § 1983 and have requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

The in forma pauperis statute permits federal district courts to authorize a plaintiff to proceed without prepayment of the filing fee if the plaintiff is unable to pay the fee.

28 U.S.C. § 1915(a)(1). A court may deny leave to proceed in forma pauperis if it appears from the face of the proposed complaint that the action is frivolous. Minetti v. Port of Seattle, 152 F.3d 1113 (9th Cir. 1998). In determining whether an action is frivolous, the court may “pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.” Neitzke v. Williams, 490 U.S. 319, 327 (1989).

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1 Plaintiffs claim that Solano County Jail officials are biased against African-
2 American inmates because Black Entertainment Television is not accessible in the jail and
3 “there’s no chanell for African Americans when there are several chanells for Latino’s &
4 Hispanics, Caucasians has CMT Country Music Television” (spelling and punctuation as in
5 original).

6 Inmates have no constitutional right of access to television. Murphy v. Walker,
7 51 F.3d 714, 718 n.8 (7th Cir. 1995); Soto v. City of Sacramento, 567 F.Supp. 662, 685 (E.D.
8 Cal. 1983). The Tenth Circuit has found no constitutional violation when a white inmate
9 claimed that the broadcast selections in the jail favored African-American inmates. Elliott v.
10 Brooks, 188 F.3d 518 (10th Cir. 1999) (unpublished). Similarly, this court finds the underlying
11 action frivolous.

12 IT IS HEREBY RECOMMENDED that this action be dismissed as frivolous.

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

20 DATED: February 4, 2008.

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23 U.S. MAGISTRATE JUDGE

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