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

TERRENCE BROWNLEE,

Plaintiff,

No. CIV S-08-0661 LKK GGH P

vs.

R. CLAYTON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

By Order, filed on December 24, 2009, Judge Karlton dismissed plaintiff's case without prejudice, granting plaintiff leave, within 30 days, to file a [second] amended complaint.

Plaintiff was specifically instructed to:

set forth in detail how defendants' actions or failures to act deprived him of his constitutional rights. Specifically, he must articulate for each defendant (1) the specific actions or failures to act; and (2) how these specific actions or failures to act harmed plaintiff. Plaintiff must explain all relevant incidents by reference to specific facts as to how each defendant harmed him.

Order, filed on December 24, 2009, p. 2.

Construing plaintiff's allegations very liberally, the undersigned has deemed the second amended complaint appropriate for service for some defendants in a separate order.

However, as to the following defendants, I. Cardeno, B. Jones, D. Jackson, M. Dangler, C.

1 Hammond, Palmer, D. L. Porter, S.L. Chapman, Dunlap, Kramer, plaintiff once again simply
2 fails to set forth with any specificity how these individuals deprived him of a constitutional right.
3 It is not enough to group them together at various points, with an inadequate factual predicate,
4 and formulaically allege that they personally participated in a deprivation of his rights. Plaintiff
5 has been given more than ample time to amend. The court will recommend dismissal of these
6 defendants from this action.

7 Accordingly, IT IS HEREBY RECOMMENDED that defendants I. Cardeno, B.
8 Jones, D. Jackson, M. Dangler, C. Hammond, Palmer, D. L. Porter, S.L. Chapman, B. Dunlap,
9 Kramer be dismissed from this action.

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

17 Dated: March 5, 2010

/s/ Gregory G. Hollows

18 GREGORY G. HOLLOWS
19 UNITED STATES MAGISTRATE JUDGE

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