

1 of time to August 31, 2009 to file his second amended complaint (#37). Plaintiff was advised that
2 the court would not entertain any additional motions for extension of time. *Id.*

3 Since that order granting an extension of time was issued, plaintiff has sent three letters
4 to the court claiming that no one has responded to his correspondence, and that he has no access
5 to the law library (#s 38, 39, & 40). Plaintiff filed an original complaint (#1) and a first amended
6 complaint (#11) in this action. In addition, he has filed several other motions with this court.
7 Plaintiff clearly has access to the courts and access to forms to initiate a case in federal court. The
8 right of access to the courts is only a right to bring complaints to the federal court and not a right
9 to discover such claims or to litigate them effectively once filed with the court. *Lewis v. Casey*,
10 518 U.S. 343, 354-55 (1996); *Cornett v. Donovan*, 51 F.3d 894, 898 (9th Cir. 1995).

11 Plaintiff has been on notice since late June 2009 that he must file an amended complaint
12 which identifies at least one defendant by name (#31). To date he has failed to do so. Physical
13 access to the law library or research provided by the law library or prison law clerks will in no
14 way assist plaintiff in curing his fatal flaw in this case, that is identifying at least one defendant
15 by name.

16 Therefore, it is recommended that the District Court enter an order dismissing this case
17 without prejudice.

18 The parties are advised:

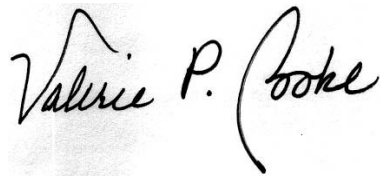
19 1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule 72-304(b) of the Local Rules of
20 Practice, the parties may file specific written objections to this report and recommendation within
21 ten days of receipt. These objections should be entitled “Objections to Magistrate Judge’s Report
22 and Recommendation” and should be accompanied by points and authorities for consideration
23 by the District Court.

24 2. This report and recommendation is not an appealable order and any notice of appeal
25 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s
26 judgment.
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Accordingly, IT IS HEREBY RECOMMENDED that the District Judge enter an order
DISMISSING this case without prejudice.

DATED: November 10, 2009.



UNITED STATES MAGISTRATE JUDGE