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

JOHN WESLEY WILLIAMS,

Plaintiff,

No. CIV S-09-0784 GGH P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action who has consented to the jurisdiction of the undersigned Magistrate Judge. Plaintiff moves for entry of final judgment following the Ninth Circuit’s dismissal of plaintiff’s appeal, on October 22, 2009, for lack of jurisdiction. The appeal challenged the undersigned’s August 10, 2009 order affirming this court’s June 22, 2009 dismissal of plaintiff’s initial complaint with leave to amend. Finding that plaintiff had presented neither new facts nor new controlling authority, the court affirmed its prior detailed ruling that plaintiff’s complaint improperly set forth several unrelated claims against multiple defendants.

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1 Plaintiff now “request[s] that the Court enter final judgement in this matter in
2 order to permit jurisdiction by the Ninth Circuit Court of Appeals.” Doc. 16, at 1. He asserts
3 that the court’s June 22, 2009 screening of his complaint was “erroneous and contrary to law,”
4 and the court’s August 10, 2009 order on reconsideration “an abuse of discretion requiring
5 appellate review because no District Judge is being allowed to review the Magistrate Judge’s
6 findings and order(s).” Id., at 1-2.

7 Plaintiff has not filed an amended complaint and the time for doing so has passed.
8 He was initially granted thirty days from the date of service of the court’s June 22, 2009 order
9 within which to file an amended complaint, but instead sought reconsideration. Plaintiff was
10 again granted thirty days within which to file an amended complaint pursuant to the court’s
11 August 10, 2009 order on reconsideration, but instead pursued an appeal. It is clear that plaintiff
12 seeks to rest on his original complaint. His failure to file an amended complaint, consistent with
13 the orders of this court, requires that this action be dismissed.

14 Accordingly, IT IS HEREBY ORDERED that this action be dismissed with
15 prejudice. *See* Local Rule 11-110; Fed. R. Civ. P. 41(b). The Clerk of Court shall enter
16 judgment consistent with this order.

17 DATED: December 9, 2009

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES
19 UNITED STATES MAGISTRATE JUDGE
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