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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD OLIVER HOOKER,
Plaintiff,
v.
T. KIMURA-YIP, et al.,
Defendants.

No. 2:11-cv-0899 TLN CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On December 5, 2013, the district court ordered as follows:

Plaintiff is granted thirty days from the date of this order in which to file a Second Amended Complaint raising only Eighth Amendment claims based on allegations of events that occurred on or after his transfer to California State Prison-Corcoran in February 2011 and naming individuals in place of the Doe defendant at California State Prison-Los Angeles County . . . [.]

(ECF No. 45 at 3-4) (emphasis added). The district court agreed with the magistrate judge’s findings that “the allegations of the first amended complaint of events through 2011 do not state a claim for violation of plaintiff’s Eighth Amendment rights based on deliberate indifference to his serious medical needs,” and thus limited the scope of the Second Amended Complaint (SAC) as

1 set forth above. (Id. at 3; see also ECF No. 47 (denying leave to expand the SAC).)

2 Before the court for screening is plaintiff's SAC. (ECF No. 54.) As it does not comply
3 with the limits set forth above, and in light of plaintiff's two previous opportunities to amend, the
4 undersigned will recommend that SAC be dismissed and this action closed.

5 Accordingly, IT IS HEREBY RECOMMENDED THAT:

6 1. The Second Amended Complaint (ECF No. 54) be dismissed. See Local Rule 110;
7 Fed. R. Civ. P. 41(b); and

8 2. The Clerk of Court close this case.

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

16 Dated: October 27, 2014

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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