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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE AINSWORTH,
Plaintiff,
v.
FRED FOULK, et al.,
Defendants.

No. 2:14-cv-0479 KJM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. On April 21, 2014, plaintiff’s complaint was dismissed with thirty days’ leave to amend. (ECF No. 10.) Plaintiff has filed an amended complaint, now before the court. (ECF No. 11.)

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

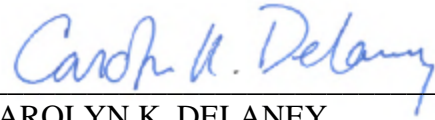
Having reviewed the amended complaint, the undersigned concludes that it fails to cure the defects of the original complaint as discussed in the April 21, 2014 screening order. Because it appears that another round of amendment would be futile, the undersigned will recommend that

1 this action be dismissed.

2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for failure
3 to state a claim.

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

11 Dated: June 4, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE