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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM JOSEPH HORN,
Plaintiff,
v.
CALIFORNIA PRISON INDUSTRY
AUTHORITY,
Defendant.

No. 2: 14-cv-1654 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff consented to the jurisdiction of the undersigned. (ECF No. 8.)

On August 13, 2014, the undersigned dismissed plaintiff’s complaint with leave to amend. (ECF No. 5.) Pending before the court is plaintiff’s amended complaint filed November 3, 2014. (ECF No. 12.) For the following reasons, this action is dismissed.

Again, the only named defendant is the California Prison Industry Authority (“PIA”). Again, plaintiff alleges that defendant PIA caused him to be exposed to toxic soap. Again, as relief, plaintiff seeks money damages.

The undersigned dismissed plaintiff’s original complaint because the claims against defendant PIA were barred by the Eleventh Amendment. Under the Eleventh Amendment to the Constitution of the United States, a state or state agency may not be sued in federal court without its consent. Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100 (1984); Taylor v. List,

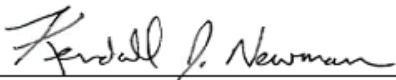
1 880 F.2d 1040, 1045 (9th Cir. 1989). Defendant PIA is a state agency. Because the State of
2 California has not consented to suit, this action against defendant PIA is barred by the Eleventh
3 Amendment.

4 Because plaintiff has already been given one opportunity to file an amended complaint,
5 and it does not appear that he can cure the pleading defects discussed above, the undersigned
6 orders this action dismissed.

7 Accordingly, IT IS HEREBY ORDERED that this action is dismissed.

8 Dated: November 10, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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