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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY W. HIGGINBOTHAM,
Plaintiff,
v.
BRYAN DUFFY,
Defendant.

No. 2:14-cv-1702 CKD P

ORDER AND
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 January 9, 2015, plaintiff’s complaint was dismissed with thirty days’ leave to amend. (ECF No. 8.) 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 January 9, 2015 screening order. See Garrett v. Perez, 2014 WL 6610506, *4 (E.D. Cal. Nov. 20, 2014) (“Although the [‘R suffix’]

1 designation may be stigmatizing for inmates, the designation is nevertheless merely an
2 administrative prison custody classification, and the mere reputational stain of an 'R' suffix does
3 not impose 'atypical and significant hardship on the incident in relation to the ordinary incidents
4 of prison life.'" (quoting Wilkinson v. Austin, 545 U.S. 209, 223 (2005)) (collecting cases).

5 Because it appears that another round of amendment would be futile, the undersigned will
6 recommend dismissal of this action.

7 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court assign a district judge to
8 this action.

9 IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice for failure
10 to state a claim.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
13 after being served with these findings and recommendations, plaintiff may file written objections
14 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
15 and Recommendations." Plaintiff is advised that failure to file objections within the specified
16 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
17 (9th Cir. 1991).

18 Dated: March 4, 2015

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21 CAROLYN K. DELANEY
22 UNITED STATES MAGISTRATE JUDGE
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