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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT YEE,

 Plaintiff,

 v.

SACRAMENTO COUNTY JAIL, et al.,

 Defendants.

No. 2:14-cv-2955 KJM DB PS

ORDER

Plaintiff is proceeding pro se with the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(21).

On June 11, 2018, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days after service of the findings and recommendations. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.¹

¹ Although plaintiff objects to the Magistrate Judge’s characterization of the frequency of his attempted *Monell* claims, *see* ECF No. 37 at 2, these contentions do not affect the court’s analysis. Throughout his seven complaints, plaintiff has consistently intimated, without expressly stating, a *Monell* claim; and with each new complaint, the court has evaluated the viability of a

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed June 11, 2018 (ECF No. 36) are adopted in
3 full.

4 2. The Clerk of the Court is directed to issue process and to send plaintiff an instruction
5 sheet for service of process by the United States Marshal, three USM-285 forms, a summons
6 form, and an endorsed copy of plaintiff's sixth amended complaint filed November 22, 2017.
7 (ECF No. 35.)

8 3. Within thirty (30) days of this order, plaintiff shall submit to the United States Marshal
9 three properly completed USM-285 forms, three properly completed summons forms, and the
10 number of copies of the endorsed sixth amended complaint and of this order required by the
11 United States Marshal; the required documents shall be submitted directly to the United States
12 Marshal either by personal delivery or by mail to: United States Marshals Service, 501 I Street,
13 Suite 5600, Sacramento, CA 95814 (tel. 916-930-2030).

14 4. Within ten (10) days after submitting the required materials to the United States
15 Marshals Service, plaintiff is ordered to file with this court a declaration stating the date on which
16 plaintiff submitted the required documents to the United States Marshal. Failure to file the
17 declaration in a timely manner may result in an order imposing appropriate sanctions.

18 5. Within thirty (30) days after receiving the necessary materials from plaintiff, the
19 United States Marshal is directed to serve process on defendants Kathleen Fritzche, Harold
20 Penny, and Corey Johnson, without prepayment of costs.

21 6. The Clerk of the Court is directed to serve a copy of this order on the United States
22 Marshal.

23 7. Plaintiff is cautioned that the failure to comply with this order may result in a
24 recommendation that this action be dismissed.

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28 *Monell* claim and provided plaintiff ample opportunity to correct deficiencies when necessary. In
light of these opportunities, the Magistrate Judge is justified in recommending dismissal without
leave to amend on the *Monell* claim.

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8. The sixth amended complaint's Monell claims against the City of Sacramento, the County of Sacramento, and the Sacramento County Jail are dismissed without leave to amend and those defendants are dismissed from this action.

9. This case is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: September 27, 2018.


UNITED STATES DISTRICT JUDGE