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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHONE SMITH,
Plaintiff,
v.
K. DICKSON, et al.,
Defendants.

No. 2:14-cv-3002 CKD P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. On April 30, 2015, plaintiff’s First Amended Complaint was dismissed with thirty days’ leave to amend. (ECF No. 28.) Plaintiff has filed a Second Amended Complaint (“SAC”), now before the court. (ECF No. 31.) Plaintiff has consented to Magistrate Judge jurisdiction over all proceedings in this action. (ECF No. 7.)

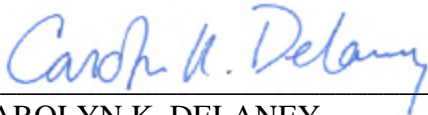
The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” 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 SAC, the undersigned concludes that it fails to cure the defects of the previous complaint as discussed in the April 30, 2015 screening order. Because it appears that

1 another round of amendment would be futile, the undersigned will dismiss this action without
2 prejudice.

3 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice.

4 Dated: June 5, 2015

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6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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