1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ABDUL GILL, No. 2:14-cv-03015 KJM AC (PS) 12 Plaintiff. 13 FINDINGS AND RECOMMENDATIONS v. 14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff is proceeding in this action pro se, and in forma pauperis. This proceeding was 18 referred to this court by E.D. Cal. R. 302(c)(21). The federal in forma pauperis statute authorizes 19 federal courts to dismiss a case "at any time," if the action is legally "frivolous or malicious," 20 fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant 21 who is immune from such relief. 28 U.S.C. § 1915(e)(2). 22 The court's prior orders dismissed plaintiff's complaints for suing immune defendants, 23 and for failing to allege facts showing that he had suffered a legal wrong – for example, that his 24 benefits were terminated without due process – or that he was entitled to any relief. See ECF 25 Nos. 4 & 6. The Second Amended Complaint ("complaint") (ECF No. 7), makes no attempt to 26 remedy the defects identified in the previous complaints. Instead, it simply indicates that 27 plaintiff's medical benefits have been terminated, and that he is suffering as a consequence. 28 Thus, the complaint once again fails to allege facts showing that plaintiff has suffered any legal 1

wrong that this federal court can redress.

The court is aware that figuring out how to properly present one's grievances can be difficult. It may be that plaintiff would benefit by asking for assistance from a legal services organization such as Legal Services of Northern California, 515 - 12th Street, Sacramento, CA 95814 (Tel: 916-551-2150), or the Voluntary Legal Services Program of Northern California (Client Help Line: 916-551-2102). However, plaintiff has, for the third time, failed to state a claim upon which relief can be granted. Accordingly, the complaint should be dismissed, but this time with prejudice.

In accordance with the above, IT IS HEREBY RECOMMENDED that plaintiff's Second Amended Complaint be DISMISSED with prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

Muson Clane

UNITED STATES MAGISTRATE JUDGE

DATED: April 8, 2015

<sup>1</sup> The court makes no representation regarding the ability of either organization to provide information or assistance.