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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD EDMUND NICHOLS,  
Plaintiff,  
v.  
PLUMAS COUNTY CORRECTIONAL  
FACILITY,  
Defendant.

No. 2:15-cv-1299 MCE CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a county jail inmate, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. On July 10, 2015, plaintiff’s original complaint was dismissed for failure to state a claim, and plaintiff was granted leave to file an amended complaint. (ECF No. 7.) Plaintiff’s amended complaint is now before the court for screening. (ECF No. 9.)

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, too, fails to state a claim. Plaintiff asserts that he was denied access to courts and attaches a complaint filed in the Plumas Superior Court in 2013. However, plaintiff does not plead the elements of an

1 access-to-courts claim or name a proper defendant. See Lewis v. Casey, 518 U.S. 343, 349-50,  
2 353 (1996) (prisoner alleging a violation of his right of access to the courts must demonstrate that  
3 he has suffered “actual injury,” i.e., “demonstrate that a nonfrivolous legal claim had been  
4 frustrated or was being impeded.”) Because it appears that another round of amendment would  
5 be futile, the undersigned will recommend dismissal of this action.

6 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed with  
7 prejudice for failure to state a claim.

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

15 Dated: September 3, 2015

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18 CAROLYN K. DELANEY  
19 UNITED STATES MAGISTRATE JUDGE  
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