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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRENCE McCREA,
Plaintiff,
v.
B. JOHNSON, et al.,
Defendants.

No. 2:15-cv-1487 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prison inmate, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. On July 30, 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. 6.) Plaintiff’s amended complaint is now before the court for screening. (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 state a claim for relief against any defendant. Because it appears that another round of amendment would be futile, the undersigned will recommend dismissal of this action.

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

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)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that 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).

Dated: September 23, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE