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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL MARIN GONZALEZ,
Plaintiff,
v.
ALVIN R. WEBBER,
Defendant.

No. 2:15-cv-1643 MCE AC (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se and in forma pauperis. The proceeding was referred to this court by Local Rule 302(c)(21). Plaintiff’s original complaint was dismissed with leave to amend because the court was unable to determine what claim plaintiff was making, or why the case was filed in federal district court. See ECF No. 3. The complaint was extremely difficult to understand, did not contain a “short and plain” statement of the basis of this court’s jurisdiction, nor a “short and plain” statement of plaintiff’s claim showing that he is entitled to the \$2,000,000 he sought as relief. Plaintiff has now filed an amended complaint, styled “Motion To Amendment Complaint” (ECF No. 4), which is subject to screening under 28 U.S.C. § 1915(e)(2)(B).

I. SCREENING STANDARD

The federal in forma pauperis statute requires federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C.

1 § 1915(e)(2)(B). The screening standard is set out in detail in the undersigned's prior order
2 dismissing the original complaint. See ECF No. 3.

3 II. THE AMENDED COMPLAINT

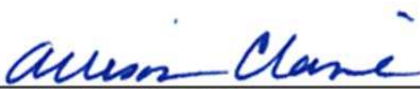
4 Plaintiff's amended complaint is longer, but it does not contain a short and plain statement
5 showing that he is entitled to relief. The undersigned still cannot discern what happened to
6 plaintiff, what legal right of his was violated, why the case was filed in federal court, and why
7 plaintiff is entitled to the \$2 million relief he seeks. The amended complaint should be dismissed
8 for failure to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii).

9 III. RECOMMENDATION

10 For the reasons set forth above, IT IS HEREBY RECOMMENDED that plaintiff's
11 amended complaint (ECF No. 4), be DISMISSED with prejudice pursuant to 28 U.S.C.
12 § 1915(e)(2)(B)(ii).

13 These findings and recommendations are submitted to the United States District Judge
14 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)
15 days after being served with these findings and recommendations, plaintiff may file written
16 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
17 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
18 objections within the specified time may waive the right to appeal the District Court's order.
19 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20 DATED: December 2, 2015

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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