

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WONDIYRAD KABEDE,
Plaintiff,
v.
GARY BROWN, et al.,
Defendants.

No. 2:16-cv-1765 JAM DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. In his complaint, plaintiff appears to allege various claims regarding his medical care at Mule Creek State Prison, the handling of his mail, and harassment. However, the relief plaintiff sought is only appropriate medical treatment and an investigation into past medical treatment. (ECF No. 1.) In a screening order dated February 22, 2017, the court found plaintiff did not state cognizable claims for relief under § 1983 and gave plaintiff the opportunity to amend his complaint. (ECF No. 9.) When plaintiff did not file an amended complaint, the court, in an order filed May 31, 2017, gave plaintiff one final thirty-day opportunity to do so. (ECF No. 15.) Plaintiff has not filed an amended complaint.

In a document filed June 15, 2017, plaintiff states that he has been transferred to the California Health Care Facility, has received “complete medical care,” and is “feeling much better than I was.” Plaintiff then asks the court to “disregard the medical complaint against Mule

1 Creek staff in this case.” He also asks the court to order the governor to “re-review my request to
2 be deported before this case is closed.” (ECF No. 16.)


3 The court construes plaintiff’s filing as a motion to voluntarily dismiss this case. See Fed.
4 R. Civ. P. 41(a). Plaintiff is advised that this court has no authority in this § 1983 action to make
5 any orders respecting any deportation proceedings. The purpose of a § 1983 action is to
6 challenge the conditions of confinement. See McCarthy v. Bronson, 500 U.S. 136, 141-42
7 (1991). Therefore, plaintiff’s request for this court’s assistance with regard to deportation will be
8 denied.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff’s request for assistance with any
10 deportation proceedings is denied; and

11 IT IS HEREBY RECOMMENDED that plaintiff’s motion to voluntarily dismiss this case
12 be granted.

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

20 Dated: July 10, 2017

21
22
23 
24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE

26 DLB:9
27 DLB1/prisoner-civil rights/kabe1765.fr
28