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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA m

JOHNNY RAMEY,
Plaintiff,
v.
J. FRANCO, et al.,
Defendants.

No. 2:16-cv-2107 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a complaint pursuant to 42 U.S.C. § 1983. On October 20, 2016, plaintiff’s original complaint was dismissed, and plaintiff was granted leave to file an amended complaint. (ECF No. 10.) Plaintiff’s amended complaint is now before the court for screening. (ECF No. 16.) See 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 cure the defects of the original complaint, discussed in the October 20, 2016 screening order, or 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 and this case closed.

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: March 1, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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