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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA m

WALTER SHANE LANGSTON,
Plaintiff,
v.
ROESSER,
Defendant.

No. 2:16-cv-2362 MCE CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a complaint pursuant to 42 U.S.C. § 1983. On January 31, 2017, plaintiff’s first amended complaint was dismissed for failure to state a claim, and plaintiff was granted leave to amend a second time. (ECF No. 11.) Plaintiff’s second amended complaint is now before the court for screening. (ECF No. 16.) See 28 U.S.C. § 1915A(a).

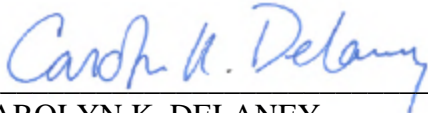
Having reviewed the second amended complaint, the undersigned concludes that it fails to cure the defects discussed in the January 31, 2017 screening order or state a cognizable claim against defendant Roesser. Because it appears that another round of amendment would be futile, the undersigned will recommend dismissal of this action.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice and this case closed.

These findings and recommendations are submitted to the United States District Judge

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

7 Dated: May 10, 2017

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9 _____
10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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