



1 Plaintiff's amended complaint alleges that between 2013 and 2015, unidentified staff at  
2 the Sacramento County Main Jail violated his Eighth Amendment rights when they: (1) denied  
3 him water for thirty days; (2) sexually harassed him; (3) denied him visits for one month; (4)  
4 denied him showers for over a month; (5) denied him phone calls for months; (6) confined him to  
5 his cell for over a month; and (7) threw away some of his papers. ECF No. 23.

6 The claims as articulated cannot survive screening. First, as the court noted in its previous  
7 order, plaintiff must link an individual defendant to a violation of his rights. ECF No. 15 at 3.  
8 The amended complaint fails to identify any defendant. Second, plaintiff's initial complaint was  
9 dismissed because it was devoid of factual allegations. *Id.* The amended complaint does not  
10 meaningfully address this deficiency. Plaintiff simply repeats his vague and conclusory  
11 allegations. Although plaintiff alleges a violation of his Eighth Amendment rights, he does not  
12 allege that the conditions complained were the result of deliberate indifference nor any facts in  
13 support of such a contention. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Third, the amended  
14 complaint contains no request for relief. Fed. R. Civ. P 8(a)(3) (requiring that a complaint  
15 contain a demand for relief).

#### 16 Leave to Amend

17 After notice of the deficiencies in the original complaint and an opportunity to amend,  
18 plaintiff is no closer to stating a viable claim. This counsels against granting him further leave to  
19 amend. *See Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir. 1990) (futility of  
20 amendment and previous opportunities to amend are factors to assess in weighing the propriety of  
21 granting leave to amend).

#### 22 Conclusion

23 It is, therefore, RECOMMENDED that this action be dismissed without leave to amend.

24 These findings and recommendations are submitted to the United States District Judge  
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
26 after being served with these findings and recommendations, any party may file written  
27 objections with the court and serve a copy on all parties. Such a document should be captioned  
28 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the

1 objections shall be served and filed within fourteen days after service of the objections. The  
2 parties are advised that failure to file objections within the specified time may waive the right to  
3 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
4 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: November 27, 2018.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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