1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:17-cv-0492 JAM CKD PS CALYSTA SHARP, 12 Plaintiff, 13 ORDER AND FINDINGS AND v. **RECOMMENDATIONS** 14 THE UNITED STATES, 15 Defendant. 16 17 On March 15, 2017, the court dismissed plaintiff's complaint and granted her 30 days leave to file an amended complaint. (ECF No. 3.) Plaintiff did not amend her complaint within 18 19 30 days. Therefore, on May 4, 2017, the undersigned recommended that this action be dismissed 20 without prejudice. (ECF No. 4.) 21 Subsequently, on June 14, 2017, plaintiff moved for a 60 day extension of time to file 22 objections, which was granted. (ECF Nos. 6, 7.) On August 8, 2017, plaintiff filed her objections to the findings and recommendations. (ECF No. 9.) In her objections, plaintiff explains that she 23 is busy with school and community activities. (See Id. at 2.) She also lists very general 24 25 grievances about the circumstances in her community. (See Id. at 2, 7.) However, even assuming 26 that plaintiff's diffuse statements are intended to serve as an amended complaint, they fail to state 27 a cognizable claim for relief because she has failed to allege with any specificity what was done 28 by whom. (Id. at 7.) Her broad and generic allegations do not include the identity of the alleged 1

1 actor or actors, nor do they implicate any recognizable legal cause of action: 2 An accumulation of ill-circumstantial [sic] obstacles has left me to struggle and embarrass my community. Socioecomonical [sic] 3 influence and factors affecting educational materials has burdened Medical manipulation and imprisonment of many 4 hours/years of residents has lead to an inbalance [sic] in communities (families). Business ethics fostered daily are still 5 questionable. . . Concern is increasing at the forefront of residents (medical-vetting). Unecessary [sic] hardship to communities, even 6 with implemented services is still prevalant [sic]. Request to ammend. (amend) [sic] 7 8 (Id.) Moreover, nothing in plaintiff's objections indicate that if she were given more time to 9 amend her complaint she would be able to cure its defects. 10 Accordingly, IT IS HEREBY ORDERED that the court's May 4, 2017 findings and 11 recommendations (ECF No. 4) are VACATED and superseded. 12 Furthermore, IT IS HEREBY RECOMMENDED that this action be DISMISSED without 13 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). These findings and recommendations are submitted to the United States District Judge 14 15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) 16 days after being served with these findings and recommendations, any party may file written 17 objections with the court and serve a copy on all parties. Such a document should be captioned 18 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections 19 shall be served on all parties and filed with the court within fourteen (14) days after service of the 20 objections. The parties are advised that failure to file objections within the specified time may 21 waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th 22 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 23 Dated: August 11, 2017 24 CAROLYN K. DELANEY UNITED STATES MAGISTRATE JUDGE

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14/17-492. Sharp v. US. order and F&R dismissal