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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DMITRIY YEGOROV,
Plaintiff,
v.
GOVERNMENT USA,
Defendant.

No. 2:17-cv-1111 JAM GGH

FINDINGS AND RECOMMENDATIONS

Plaintiff is appearing in this action based, apparently on 28 U.S.C. section 1983. On June 5, 2017 this court entered an Order dismissing plaintiff’s original complaint, ECF No. 1, without prejudice for failure to adhere to the pleading rules in the federal district courts. ECF No. 3. In that Order the court laid out the requirements of Federal Rule of Civil Procedure 8 which calls for a simple, concise and direct set of allegations to support federal jurisdiction for this claim and directed that he file an Amended Complaint within 45 days of the issuance of the Order. Plaintiff filed his First Amended Complaint on July 21, 2017, but failed to cure the deficiencies found in the original Complaint.

Plaintiff does lay out a number of personal injuries to both him and to his mother. He mentions that two of his relatives, Audrey and Katy Yegorov were “kidnapped” from their apartment and elementary school, ECF No. 4 at 2. He does not, however, name any individual person who participated in the act complained of. Something was apparently done to his mother,

1 or perhaps his wife – Ms. Yegerov – involving an illegal arrest of an unnamed person. Id. at 3.
2 As a result Mr. claims to have a damaged nervous system, which causes him pain in his legs ,
3 neck, and hands among other things. Id. at 4.

4 Unfortunately, plaintiff appears unable to identify any individual who allegedly visited
5 these injuries on him and his loved ones. As noted in the court’s Order, ECF 3 at 3:16-4:1, unless
6 plaintiff is able to state with specificity who injured him, when they injured him, what positions
7 they hold that make them state actors amenable to suit under section 1983 (or Bivens), he fails to
8 state a claim even under the less stringent standard of pleading imposed on pro se litigants.
9 Haines v. Kerner, 404, U.S. 519, 520 (1972). The undersigned sees no hope that allowing another
10 amendment will cure these deficiencies.

11 In light of the foregoing, IT IS HEREBY RECOMMENDED that: Plaintiff’s Amended
12 Complaint be DISMISSED without prejudice.

13 These findings and recommendations are 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 twenty-one days
15 after being served with these findings and recommendations, any party may file written
16 objections with the court and serve a copy on all parties. Such a document should be captioned
17 “Objections to Magistrate Judge's Findings and Recommendations.” Any reply to the objections
18 shall be served and filed within fourteen days after service of the objections. The parties are
19 advised that failure to file objections within the specified time may waive the right to appeal the
20 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: August 7, 2017

22 /s/ Gregory G. Hollows
23 GREGORY G. HOLLOWS
24 UNITED STATES MAGISTRATE JUDGE
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