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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VILAYCHITH KHOUANMANY,  
Plaintiff,  
v.  
UNITED STATES MARSHALS, et al.,  
Defendants.

No. 2:17-cv-01326-TLN-EFB

**ORDER**

Plaintiff Vilaychith Khouanmany (“Plaintiff”), a federal prisoner proceeding pro se, brings this civil action with claims premised under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 17, 2019, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 106.) On November 4, 2019, Plaintiff filed Objections to the Findings and Recommendations. (ECF No. 109.)

This Court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As

1 to any portion of the proposed findings of fact to which no objection has been made, the Court  
2 assumes its correctness and decides the motions on the applicable law. See Orand v. United  
3 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
4 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

5 Having carefully reviewed the entire file under the applicable legal standards, the Court  
6 finds the Findings and Recommendations to be supported by the record and by the magistrate  
7 judge's analysis.

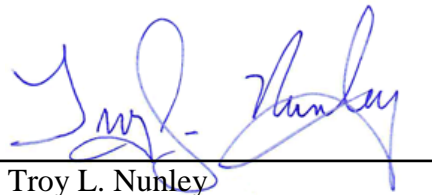
8 Plaintiff's Objections, like her Motion to Amend, fail to offer new, cognizable theories of  
9 liability or meaningfully clarify her original allegations. Further, as the Findings and  
10 Recommendations properly note, the procedural posture of this action — namely, that this action  
11 was filed more than two years ago (see ECF No. 1) and is proceeding on Plaintiff's Second  
12 Amended Complaint (ECF No. 72) — demonstrates that Plaintiff has been accorded both  
13 sufficient time and opportunity to identify her claims and defendants. The Court agrees that  
14 permitting further amendment would be futile and would result in undue delay and undue  
15 prejudice to the opposing party. Therefore, Plaintiff's objections are overruled.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The Findings and Recommendations, filed October 17, 2019 (ECF No. 106), are  
18 adopted in full; and  
19 2. Plaintiff's Motion to Amend (ECF No. 101) is DENIED.

20 IT IS SO ORDERED.

21 Dated: December 2, 2019

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Troy L. Nunley

United States District Judge