

1 state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who
2 is immune from such relief.” *Id.* § 1915A(b).

3 Screening Order

4 The court analyzed plaintiff’s original complaint pursuant to § 1915A as follows:

5 Plaintiff’s complaint consists of various hand-written pages whose content
6 is often impossible to parse. The court is able to glean that: (1) on or about March
7 13, 2017, plaintiff was working as a porter at California State Prison, Solano; (2)
8 in the performance of his job duties plaintiff was attacked by another inmate
9 named Walker, who assaulted him with a punch to the jaw; (3) plaintiff sustained
10 “great bodily” injury as a consequence of this attack; and (4) he alleges that the
11 named defendants were responsible for failing to protect him. The difficulty in
12 understanding the specifics of plaintiff’s allegations and how, if at all, each of the
13 named defendants was directly responsible for failing to protect him, convinces the
14 court that the complaint does not put defendants on notice of the claims against
15 them. *See McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991) (holding that a
16 sufficiently plead complaint under Rule 8 must “put defendants fairly on notice of
17 the claims against them.”). Plaintiff will be given leave to file an amended
18 complaint that addresses this deficiency.

19 ECF No. 11 at 3. In an amended complaint, plaintiff attempted to correct the deficiency
20 identified by the original screening order by alleging that defendant correctional officers Baldwin,
21 Jackson and Qin were “on notice . . . that inmate workers were being exposed to dangerous
22 conditions without staff supervision” because of an inmate grievance that had been directed to
23 Baldwin. *See* ECF No. 16 at 9 (also alleging that the “grievances . . . were filed without any
24 response”). Plaintiff asserted that the defendants were both negligent and deliberately indifferent
25 in violation of the Eighth Amendment. *Id.* Upon screening, the court dismissed those claims
26 explaining (1) that negligence will not support a cause of action under 42 U.S.C. § 1983; and (2)
27 that plaintiff had not alleged facts showing how any particular defendant was deliberately
28 indifferent to a known substantial risk of serious harm to plaintiff in violation of the Eighth
Amendment. ECF No. 20 at 2-3. The court informed plaintiff that he had essentially alleged his
attack was made possible because of inadequate staff supervision – a claim that rings only of
negligence. *Id.* at 3.

1 Plaintiff's most recently filed "amended complaint" is a collection of his prior filings in
2 this case.¹ There are no new allegations curing the deficiencies the court has identified. Thus, the
3 "amended complaint" filed on May 13, 2019 (ECF No. 21) must be dismissed for the reasons
4 stated in the court's prior screening orders (ECF Nos. 11 & 20).

5 Leave to Amend

6 The court has already afforded plaintiff two chances to amend his complain, yet he is no
7 closer to stating a cognizable claim. Consequently, it declines to offer him further opportunity to
8 amend. *See McGlinchy v. Shell Chemical Co.*, 845 F.2d 802, 809-10 (9th Cir. 1988) ("Repeated
9 failure to cure deficiencies by amendments previously allowed is another valid reason for a
10 district court to deny a party leave to amend.").

11 Conclusion

12 Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a United
13 States District Judge to this case.

14 Further, it is RECOMMENDED that plaintiff's "amended complaint" (ECF No. 21) be
15 DISMISSED without leave to amend for failure to state a cognizable claim.

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

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26 ¹ Specifically, pages 3-10, 15-22, and 34-36 are copies of the complaint and declaration
27 plaintiff previously filed at ECF No. 16. Pages 24-30 and 32-33 are copies of plaintiff's filing at
28 ECF No. 17. The remaining pages consist of various cover pages, tables of contents, medical
records and other exhibits that are incapable of curing the deficiencies identified by the court. *See*
ECF No. 21 at 1-2, 11-14, 23, 31, 37-71.

1 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
2 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: November 26, 2019.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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