

1 claim based on the Placer County District Attorney’s Office’s alleged preparation of a false report
2 identifying plaintiff as a sex offender. ECF No. 1 at 3. Plaintiff’s subsequent complaints largely
3 echoed those allegations. ECF Nos. 14, 16, 18. They also alleged that plaintiff’s daughter had
4 made false claims against him and that he had been denied his right to due process. ECF No. 14
5 at 3; ECF No. 16 at 4. In dismissing all four of plaintiff’s complaints, the court informed plaintiff
6 of the legal standards governing his intended claims for relief and explained why his allegations
7 could not survive screening pursuant to those standards. ECF No. 19 at 3-4.

8 In the fifth complaint, now before the court for screening (ECF No. 21), plaintiff asserts
9 an excessive force claim and an Americans with Disabilities Act claim against two previously
10 unnamed defendants. The amended complaint does not reference the claims asserted in the four
11 prior complaints, and consequently, fails to cure the defects in those claims which were
12 previously addressed by the court. Instead, the fifth complaint alleges only new, unrelated
13 claims. Neither the new defendants nor the new claims may be properly joined in this action.¹
14 See Fed. R. Civ. P. 18(a), 20(a)(2). If plaintiff wishes to pursue unrelated claims against
15 additional defendants, he must pursue them in a separate action. See *George v. Smith*, 507 F.3d
16 605, 607 (9th Cir. 2007).

17 The court granted plaintiff leave to amend for the purpose of curing the defects in his
18 original claims. ECF No. 19 at 4. Notably, the court warned plaintiff that in any amended
19 complaint, he could “not change the nature of this suit by alleging new, unrelated claims. See
20 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).” *Id.* at 4. Plaintiff has both failed to comply
21 with the court’s screening order and to cure the defects in his original claims for relief.

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24 ¹ “The controlling principle appears in Fed. R. Civ. P. 18(a): ‘A party asserting a claim . . .
25 may join, [] as independent or as alternate claims, as many claims . . . as the party has against an
26 opposing party.’ Thus multiple claims against a single party are fine, but Claim A against
27 Defendant 1 should not be joined with unrelated Claim B against Defendant 2. Unrelated claims
28 against different defendants belong in different suits, not only to prevent the sort of morass [a
multiple claim, multiple defendant] suit produce[s], but also to ensure that prisoners pay the
required filing fees-for the Prison Litigation Reform Act limits to 3 the number of frivolous suits
or appeals that any prisoner may file without prepayment of the required fees. 28 U.S.C.
§ 1915(g).” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).

1 Therefore, this action should be dismissed without further leave to amend. *See Lopez v. Smith*,
2 203 F.3d 1122, 1129 (9th Cir. 2000) (“Under Ninth Circuit case law, district courts are only
3 required to grant leave to amend if a complaint can possibly be saved. Courts are not required to
4 grant leave to amend if a complaint lacks merit entirely.”); *see also Doe v. United States*, 58 F.3d
5 494, 497 (9th Cir. 1995) (“[A] district court should grant leave to amend even if no request to
6 amend the pleading was made, unless it determines that the pleading could not be cured by the
7 allegation of other facts.”).

8 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court randomly assign a
9 United States District Judge to this action.

10 Further, IT IS HEREBY RECOMMENDED that the amended complaint (ECF No. 21) be
11 dismissed for failure to comply with the court’s order and for failure to state a claim upon which
12 relief may be granted, and the Clerk be directed to close the case.

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 fourteen 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.” Failure to file objections
18 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
19 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

20 DATED: April 18, 2019.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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