

1 Plaintiff was aware of his injuries in 2009, which triggered the statute of limitations.
2 Plaintiff does not specify what “paperwork” was missing, why he did not request it prior
3 to 2013, or why access to it prevented him from timely filing suit. Moreover, even if the
4 four-year limitations period were tolled to March of 2013, when plaintiff learned that the
5 paperwork had been “removed,” his January 10, 2018 complaint would still be untimely
6 by nearly a year. Thus, plaintiff’s amended complaint must also be dismissed as barred by
7 the statute of limitations.

8 Leave to Amend

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

14 Conclusion

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

17 Further, it is RECOMMENDED that plaintiff’s amended complaint (ECF No. 16) be
18 DISMISSED without leave to amend as barred by the statute of limitations.

19 These findings and recommendations are submitted to the United States District Judge
20 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
21 after being served with these findings and recommendations, any party may file written
22 objections with the court and serve a copy on all parties. Such a document should be captioned
23 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
24 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
25 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

26 Dated: January 8, 2020.

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28 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE