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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JON HUMES,

No. 2:18-CV-0695-JAM-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

STATE OF CALIFORNIA, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s complaint (Doc. 1).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim and the grounds upon

1 which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because plaintiff must
2 allege with at least some degree of particularity overt acts by specific defendants which support
3 the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is
4 impossible for the court to conduct the screening required by law when the allegations are vague
5 and conclusory.

6 Plaintiff names the State of California and the “Sex and Arson Registry” as the
7 only defendants. Plaintiff complains that he is being defamed by being listed on the state’s sex
8 offender registry even though his sex crime convictions have been expunged. Plaintiff
9 specifically alleges that his claim is based on defamation and seeks \$100,000,000.00 in damages.
10 Allegations of defamation, however, are not cognizable under § 1983. See Rutledge v. Arizona
11 Bd. of Regents, 660 F.2d 1345 (9th Cir. 1981).

12 Because it does not appear possible that the deficiencies identified herein can be
13 cured by amending the complaint, plaintiff is not entitled to leave to amend prior to dismissal of
14 the entire action. See Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc).

15 Based on the foregoing, the undersigned recommends that this action be dismissed
16 without leave to amend for failure to state a claim.

17 These findings and recommendations are submitted to the United States District
18 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
19 after being served with these findings and recommendations, any party may file written
20 objections with the court. Responses to objections shall be filed within 14 days after service of
21 objections. Failure to file objections within the specified time may waive the right to appeal.
22 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

23 DATED: May 24, 2018

24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE