





1 2017. ECF No. 10 at 5. Plaintiff otherwise recites the same allegations as those in the original  
2 complaint. *See id.* at 3-4. There are no new allegations curing the deficiencies the court has  
3 identified. Thus, the amended complaint (ECF No. 10) must be dismissed for the reasons stated  
4 in the court’s prior screening order (ECF No. 5), as barred by the statute of limitations.  
5

6 Leave to Amend

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

12 Conclusion

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

15 Further, it is RECOMMENDED that plaintiff’s amended complaint (ECF No. 10) be  
16 DISMISSED without leave to amend as barred by the statute of limitations and the Clerk be  
17 directed to CLOSE the case..

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

25 Dated: November 19, 2019.

26   
27 EDMUND F. BRENNAN  
28 UNITED STATES MAGISTRATE JUDGE