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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,

Plaintiff,

v.

SACRAMENTO SHERIFF’S DEPT., et
al.,

Defendants.

No. 2:18-cv-0888 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a county prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Before the court are plaintiff’s motion to proceed in forma pauperis and his complaint for screening. Because the court finds plaintiff’s claims duplicative of his claims raised in a previously-filed suit in this court, the undersigned will recommend that plaintiff’s pending motions be denied and this action be dismissed.

SCREENING

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims

1 that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be
2 granted, or that seek monetary relief from a defendant who is immune from such relief. See 28
3 U.S.C. § 1915A(b)(1) & (2).

4 Plaintiff identifies the Sacramento County Sheriff’s Department and the Sacramento
5 County Superior Court as defendants in this action. Plaintiff asserts multiple, nearly identical
6 claims in which he alleges he has been defamed in violation of his Fourteenth Amendment rights
7 by defendants’ “reporting” or “posting” that he was arrested for failure to register as a sex
8 offender. (Comp. (ECF No. 1).) Plaintiff filed this action on April 11, 2018. In the six months
9 prior to that date, court records show that plaintiff filed over 35 other civil rights actions in this
10 court. The court has reviewed some of those filings and finds plaintiff’s claims alleged in this
11 case are duplicative of claims he made in a case filed just two days prior to the present one. See
12 Humes v. Sacramento County, No. 2:18-cv-0861 EFB P (E.D. Cal. filed Apr. 9, 2018) (plaintiff
13 sues Sacramento County and Sacramento County Superior Court for “defamation” under the
14 Fourteenth Amendment based on false reporting that he failed to register as a sex offender).
15 Plaintiff may not seek relief on the same claims in two different actions.

16 Plaintiff has also filed multiple motions. In most, he seeks an order requiring the
17 Sacramento County Jail to provide documentation for plaintiff’s motion to proceed in forma
18 pauperis. Because this court recommends dismissal of this action, these motions should be
19 denied as moot.


20 Accordingly, and good cause appearing, the Clerk of the Court is HEREBY ORDERED to
21 assign a district judge to this case; and

22 IT IS HEREBY RECOMMENDED that plaintiff’s pending motions (ECF Nos. 4, 5, 6, 9,
23 10, 11, 12 and 14) be denied as moot and this action be dismissed.

24 These findings and recommendations will be submitted to the United States District Judge
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
26 after being served with these findings and recommendations, plaintiff may file written objections
27 with the court. The document should be captioned “Objections to Magistrate Judge's Findings
28 and Recommendations.” Plaintiff is advised that failure to file objections within the specified

1 time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 Dated: July 30, 2018

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6 DEBORAH BARNES
7 UNITED STATES MAGISTRATE JUDGE
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