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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:18-cv-01489 MCE CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. On March 25, 2019, plaintiff’s First Amended Complaint was dismissed with leave to amend. (ECF No. 18.) Plaintiff’s Second Amended Complaint (“SAC”) is now before the court for screening. (ECF No. 26.) See 28 U.S.C. § 1915A(a).


Having reviewed the SAC, the undersigned concludes that it fails to cure the defects of the original complaint as discussed in the March 25, 2019 screening order, or state a cognizable claim against any defendant. Because it appears that another round of amendment would be futile, the undersigned will recommend that this action be dismissed with prejudice for failure to state a claim upon which relief can be granted.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice and this case closed.

These findings and recommendations are submitted to the United States District Judge

1 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
2 after being served with these findings and recommendations, plaintiff may file written objections
3 with the court. Such a document should be captioned “Objections to Magistrate Judge's Findings
4 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
5 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
6 Cir. 1991).

7 Dated: March 26, 2020

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10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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