

1 On the same day he filed his objections, plaintiff filed a proposed second amended
2 complaint. Plaintiff previously amended his complaint as of right. Fed. R. Civ. P. 15. Plaintiff
3 may amend his complaint only “once as a matter of course.” Fed. R. Civ. P. 15(a)(1). Plaintiff
4 did not seek leave to amend the complaint. Fed. R. Civ. P. 15(a)(2). In any event, plaintiff again
5 names as defendants the United States and FBI agent Veltri; thus, the proposed amendment fails
6 to name individuals responsible for the alleged wrongful conditions of his confinement. As
7 plaintiff has been informed, “[p]laintiff has no constitutional right to an FBI investigation of
8 plaintiff’s claims.” (ECF No. 15 at 6.)¹

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed November 8, 2019, are adopted in full;
- 11 2. Plaintiff’s application to proceed in forma pauperis (ECF Nos. 6, 8) is denied;
- 12 3. Plaintiff’s request for preliminary injunctive relief (ECF No. 14) is denied;
- 13 4. This action is dismissed without leave to amend as frivolous and for failure to state a
14 claim upon which relief may be granted; and
- 15 5. This action is terminated.

16 DATED: September 13, 2020.

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20 CHIEF UNITED STATES DISTRICT JUDGE

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22 ¹ On May 8, 2020, in *Dexter Brown v. Ram*, No. 20-cv-0154 KJN P (E.D. Cal.), an order the
23 clerk of court mailed to plaintiff was returned as undeliverable, marked “deceased.” *Id.* A court
24 may take judicial notice of court records. *See, e.g., Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803
25 n.2 (9th Cir. 2002) (“[W]e may take notice of proceedings in other courts, both within and
26 without the federal judicial system, if those proceedings have a direct relation to matters at issue”) (internal quotation omitted). Moreover, the inmate locator website for the California Department
27 of Corrections and Rehabilitation (“CDCR”) no longer lists plaintiff as housed in CDCR custody.
28 In light of plaintiff’s apparent death, it is impossible for him to prosecute this action. The undersigned has considered whether to appoint counsel to represent plaintiff’s estate, but finds there are no exceptional circumstances for doing so in this case. *See* 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990); *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).