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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FAROOQ ABDUL ALEEM,
Plaintiff,
v.
PATRICK COVELLO, et al.,
Defendants.

No. 2:20-cv-0629 KJM CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil action against employees of Mule Creek State Prison. On April 27, 2020, the court screened plaintiff's amended complaint as the court is required to do under 28 U.S.C. §1915A(a). Plaintiff's amended complaint was dismissed with leave to amend. In response to that order, plaintiff has filed a second and third amended complaint. Good cause appearing, the court grants plaintiff leave to file a third amended complaint which the court will now screen that pleading pursuant to 28 U.S.C. § 1915A(a).

In his third amended complaint, plaintiff alleges that defendant Roderick, a Correctional Counselor at Mule Creek State Prison, provided another inmate with financial information, specifically "trust information," relating to plaintiff. While plaintiff alleges this was done with malice, these facts alone do not amount to a violation of federal law. Plaintiff fails to point to any

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1 additional facts suggesting defendant Roderick's conduct led to a violation of plaintiff's federal
2 rights.

3 Plaintiff also alleges he was retaliated against for pursuing administrative remedies against
4 defendant Roderick. However, plaintiff fails to identify any retaliating party.

5 Accordingly, plaintiff fails to state a claim upon which relief can be granted under federal
6 law in his third amended complaint. On two occasions, the court has provided plaintiff with
7 guidance as to the deficiencies in his pleadings and granted plaintiff leave to amend. Despite this,
8 plaintiff has made no progress toward stating a claim upon which could be granted under federal
9 law.

10 As plaintiff has failed to state a claim upon which relief can be granted under federal law,
11 the court does not have jurisdiction, 28 U.S.C. § 1330, et seq., and this case should be closed.

12 In accordance with the above, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's request for leave to file a third amended complaint is granted; and
- 14 2. Plaintiff's second amended complaint is dismissed.

15 IT IS HEREBY RECOMMENDED that:

- 16 1. Plaintiff's third amended complaint be dismissed; and
- 17 2. This case be closed.

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 after
20 being served with these findings and recommendations, plaintiff may file written objections with
21 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
22 Recommendations." Plaintiff is advised that failure to file objections within the specified time
23 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
24 1991).

25 Dated: November 25, 2020

26 
27 CAROLYN K. DELANEY
28 UNITED STATES MAGISTRATE JUDGE