

1 analysis. Plaintiff's amended complaint does nothing to convince the Court that leave to amend
2 would not be futile. As an initial matter, the amended complaint fails to identify any proper
3 defendants. With respect to Plaintiff's claims, the first claim appears to challenge Plaintiff's
4 denial of parole and allege discrimination based on his classification as a sex offender. (ECF No.
5 15 at 29–34.) Plaintiff's equal protection claim was addressed in the June 4, 2021 Findings and
6 recommendation, (ECF No. 11 at 4–5), and his attempt to renew the claim fails for the same
7 reasons. As for the due process claim, the protection afforded to California parole decisions
8 consists solely of the “minimum” procedural requirements set forth in *Greenholtz v. Inmates of*
9 *Nebraska Penal & Correctional Complex*, 442 U.S. 1 (1979). *Swarthout v. Cooke*, 562 U.S. 216,
10 220 (2011). Specifically, that petitioner was provided with “an opportunity to be heard and . . . a
11 statement of the reasons why parole was denied.” *Id.* (citing *Greenholtz*, 442 U.S. at 16). In this
12 case Plaintiff was clearly provided both, since he has attached to the complaint the notice
13 advising that he had thirty days to provide a statement as to why he should be released, indicating
14 that he was provided an opportunity to be heard, (ECF No. 15 at 206), and the statement of
15 reasons why his parole was denied, (*id.* at 200-02).

16 Plaintiff's second claim appears to be based on his living conditions and medical care
17 while housed at the California Institute for Men. *Id.* at 34–39. Even if Plaintiff were able to state
18 a claim for relief against specifically identified individuals, venue would not be proper in this
19 court because the claims arose in San Bernardino County, which is in the Central District of
20 California. *See* 28 U.S.C. § 1391(b) (venue statute).

21 Finally, the third claim appears to allege that Plaintiff's right to due process was violated
22 with regard to the administrative grievance process. (ECF No. 15 at 39-42.) However, Plaintiff
23 has no claim for the “loss of a liberty interest in the processing of his appeals . . . because inmates
24 lack a separate constitutional entitlement to a specific prison grievance procedure.” *Ramirez v.*
25 *Galaza*, 334 F.3d 850, 860 (9th Cir. 2003) (citing *Mann v. Adams*, 855 F.2d 639, 640 (9th Cir.
26 1988)).

27 Accordingly, IT IS HEREBY ORDERED that:

28 1. The findings and recommendations filed June 4, 2021, ECF No. 11, are ADOPTED IN

1 FULL;

2 2. The complaint is DISMISSED without leave to amend for failure to state a claim;

3 3. The Clerk of Court is directed to close the case.

4 DATED: July 14, 2021

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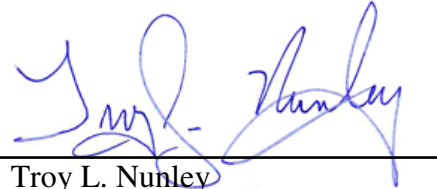
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Troy L. Nunley
United States District Judge