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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN F. WOODY,
Plaintiff,
v.
MANJULA BOBBALA, et al.,
Defendants.

No. 20-cv-1911 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On October 14, 2020, the court screened plaintiff’s complaint as the court is required to do under 28 U.S.C. § 1915A(a). Plaintiff’s complaint was dismissed with leave to amend. Plaintiff has now filed an amended complaint which the court now screens.

Under 28 U.S.C. § 1915A(a), the court must dismiss a complaint or portion thereof if a prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

In his amended complaint, as in the original, plaintiff complains about medical care he received for broken bones in his hand. However, also as in the original, plaintiff fails to state a claim upon which relief can be granted as plaintiff fails to point to facts suggesting he suffered injury as a result of a defendant’s deliberate indifference to plaintiff’s condition, or intentionally

1 harmful conduct, as opposed to merely negligent conduct. Accordingly, the amended complaint
2 must be dismissed.

3 In the court's October 14, 2020 order, the court provided plaintiff with detailed
4 information as to how he might state a claim for denial or delay of medical care under the Eighth
5 Amendment. Despite the information provided, plaintiff still does not state an actionable claim,
6 nor has plaintiff made any meaningful progress toward doing so. Since granting plaintiff leave to
7 amend a second time appears futile, the court will recommend that this action be dismissed.

8 In accordance with the above, IT IS HEREBY RECOMMENDED that:

- 9 1. Plaintiff's amended complaint be dismissed; and
10 2. This case be closed.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after
13 being served with these findings and recommendations, plaintiff may file written objections with
14 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
15 Recommendations." Plaintiff is advised that failure to file objections within the specified time
16 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
17 1991).

18 Dated: November 20, 2020

19 
20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE