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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT CURTIS WILLIAMS, III,
Plaintiff,
v.
ACEVES,
Defendant.

No. 2:21-cv-00921-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR LEAVE TO
FILE AN AMENDED COMPLAINT

(Doc. Nos. 39, 43)

Plaintiff Robert Curtis Williams, III, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On January 5, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for leave to file an amended complaint (Doc. No. 39) be denied because: plaintiff filed the motion several months after the filing deadline set forth in the scheduling order had passed, plaintiff failed to demonstrate good cause to modify that scheduling order, defendant would be prejudiced if plaintiff were granted leave to amend his complaint to add a new (and unrelated) claim under the Americans with Disabilities Act (“ADA”), and plaintiff failed to demonstrate that any putative ADA claim is properly joined with plaintiff’s First and Eighth Amendment allegations against defendant Aceves in this case. (Doc. No. 43 at 3–6.) Those findings and recommendations were served on the parties and contained notice that

1 any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at
2 7.) To date, no objections have been filed, and the time in which to do so has now passed.

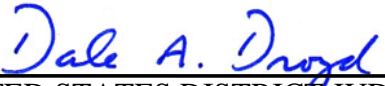
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on January 5, 2023 (Doc. No. 43) are
8 adopted in full;
- 9 2. Plaintiff's motion for leave to file an amended complaint (Doc. No. 39) is denied;
10 and
- 11 3. This matter is referred back to the assigned magistrate judge for further
12 proceedings.

13 IT IS SO ORDERED.

14 Dated: May 17, 2023

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17 UNITED STATES DISTRICT JUDGE
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