## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JEFFERSON A. MCGEE, No. 2:21-cv-01654-DAD-DB 12 Plaintiff. 13 v. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS. GRANTING 14 AIRPORT LITTLE LEAGUE DEFENDANTS' MOTIONS TO DISMISS, BASEBALL INC., et al., AND DISMISSING THIS ACTION 15 (Doc. Nos. 47, 49, 50, 72, 76, 77) Defendants. 16 17 Plaintiff Jefferson A. McGee, proceeding pro se, initiated this civil action on September 18 14, 2021. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 7, 2023, the assigned magistrate judge issued findings and recommendations 21 recommending that defendants' motions to dismiss plaintiff's second amended complaint (Doc. 22 Nos. 47, 49, 50) be granted and that this action be dismissed without leave to amend because 23 granting plaintiff further leave to amend his complaint would be futile. (Doc. No. 72.) In 24 particular, the magistrate judge found that, despite the court's guidance regarding the applicable legal standards and plaintiff's pleading deficiencies (which the court explained in its order 25 26 granting defendants' motions to dismiss plaintiff's first amended complaint), plaintiff's second 27 amended complaint was "simply a longer version of the [first] amended complaint, consisting of 28 vague and conclusory allegations," and "devoid of any factual allegations" to support his

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allegations of racial discrimination. (Id. at 4–5.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 12.) On February 21, 2023, plaintiff filed objections to the findings and recommendations. (Doc. No. 73.) None of the defendants filed objections of their own, but on March 1, 2023, defendants Howard Chan and the City of Sacramento filed a response to plaintiff's objections. (Doc. No. 74.)

In his objections, plaintiff does not meaningfully address the deficiencies identified in the findings and recommendations. Rather, plaintiff merely restates the applicable legal standards for each of his causes of action and then states in conclusory fashion that he has "allege[d] enough factual content to state a claim." (Doc. No. 73 at 10–17.) Plaintiff does not, however, point to any specific facts alleged in his second amended complaint that he contends supports his claims, nor does he proffer any additional factual allegations that he would include if granted leave to further amend his complaint. The undersigned therefore concludes that plaintiff's objections provide no basis upon which to reject the pending findings and recommendations. In addition, although plaintiff has attached to his objections a proposed third amended complaint in which he seeks over one billion dollars in damages, that proposed complaint does not allege facts sufficient to cure the deficiencies identified in the pending findings and recommendations. Thus, the undersigned agrees that the granting of further leave to amend would be futile.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a de novo review of the case. Having carefully reviewed the entire file, including plaintiff's objections and defendants' response thereto, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

## Accordingly,

- The findings and recommendations issued on February 7, 2023 (Doc. No. 72) are 1. adopted in full;
- 2. The motion to dismiss filed by defendant Enrique Hernandez (Doc. No. 47) is granted;

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1	3.	The motion to dismiss filed by	defendants City of Sacramento and Howard Chan
2		(Doc. No. 49) is granted;	
3	4.	The motion to dismiss filed by	defendant Little League Baseball, Inc. (Doc. No.
4		50) is granted;	
5	5.	This action is dismissed;	
6	6.	Plaintiff's motion to amend (Doc. No. 76) and motion for a temporary restraining	
7		order (Doc. No. 77) are denied	as having been rendered moot by this order; and
8	7. The Clerk of the Court is directed to close this case.		
9	IT IS SO ORDERED.		
10	Dated: May 19, 2023		Dale A. Drond
11		<del></del>	UNITED STATES DISTRICT JUDGE
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