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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SIVA D. BLACK,
Plaintiff,
v.
UNITED STATES, et al.,
Defendants.

No. 2:24-cv-00811-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 11, 12, 13, 16, 17, 18, 19)

Plaintiff Siva D. Black is a county jail inmate proceeding *pro se* in this civil rights action brought under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 14, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to plaintiff’s failure to state a cognizable claim upon which relief may be granted. (Doc. No. 13.) Specifically, the magistrate judge found that “[p]laintiff’s complaint borders on incomprehensible,” and “at no point does plaintiff present a cogent, non-frivolous claim.” (*Id.* at 3.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days from the date of service. (*Id.* at 6.) On June 3, 2024, plaintiff filed objections to the findings and recommendations. (Doc. No. 14.)

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1 In his objections, plaintiff asserts that he should be granted an opportunity to file an
2 amended complaint, but did not offer any allegations that he would include in a first amended
3 complaint. Instead, plaintiff concurrently filed an unauthorized first amended complaint. (*Id.*,
4 Doc. No. 15.) Out of an abundance of caution, the undersigned has reviewed plaintiff's
5 unauthorized first amended complaint and finds that plaintiff's allegations remain largely
6 unchanged and continue to be incomprehensible and frivolous. The magistrate judge correctly
7 concluded that the granting of leave to amend would be futile in this case. (*See* Doc. No. 13 at 4.)
8 Plaintiff's objections simply do not provide any basis on which to reject the pending findings and
9 recommendations.

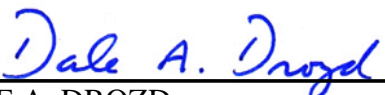
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
12 findings and recommendations are supported by the record and by proper analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on March 14, 2024 (Doc. No. 13) are
15 adopted in full;
- 16 2. This action is dismissed due to plaintiff's failure to state a cognizable claim for
17 relief;
- 18 3. Plaintiff's pending motions (Doc. Nos. 11, 12, 16, 17, 18, 19) are denied as having
19 been rendered moot by this order; and
- 20 4. The Clerk of the Court is directed to close this case.

21 IT IS SO ORDERED.

22 Dated: July 27, 2024

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25 DALE A. DROZD
26 UNITED STATES DISTRICT JUDGE
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