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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 ELIJAH DOMINGUEZ,

8 Plaintiff,

9 v.

10 JOHN ALLAN ABACI, et al.,

11 Defendants.

Case No. 3:23-cv-03669-JSC

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION**

Re: Dkt. Nos. 7, 23

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13 The Court has reviewed Magistrate Judge Laurel Beeler's report and recommendation to
14 dismiss this action for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1915(e). (Dkt.
15 Nos. 7, 23.) Judge Beeler previously screened the case and concluded Plaintiff's complaint
16 involved a public-records request that belonged in state court because it did not allege a
17 constitutional violation. (Dkt. No. 7.) Plaintiff thereafter filed an amended complaint, which
18 Judge Beeler reviewed. Judge Beeler concluded the amended complaint concerned "old conduct"
19 and the dispute was "at its core a current public-records request that should be filed in state court."
20 (Dkt. No. 23 at 1.) Judge Beeler thus prepared the underlying report and recommendation
21 recommending the action be dismissed for lack of subject matter jurisdiction. (*Id.* at 2.)

22 Although Plaintiff did not timely file objections to Judge Beeler's report and
23 recommendation, he did file several additional documents including a notice of appeal, which
24 challenges, among other things, Judge Beeler's report and recommendation. (Dkt. Nos. 25, 26, 27,
25 28.) Many of Plaintiff's filings appear to relate to another action he filed in this district which was
26 dismissed without prejudice on July 24, 2023. *See Dominguez v. Pratt et al*, No. 23-981-HSG.
27 The Court has reviewed de novo the original and amended complaints, Judge Beeler's initial
28 screening order and her report and recommendation, and Plaintiff's subsequent filings. Plaintiff's

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filings fail to address the deficiencies identified by Judge Beeler. Accordingly, the Court finds the report correct, well-reasoned, and thorough, and ADOPTS the report and recommendation. The complaint is dismissed under 28 U.S.C. § 1915(e)(2) without prejudice to filing in state court.

IT IS SO ORDERED.

Dated: November 15, 2023


JACQUELINE SCOTT CORLEY
United States District Judge