

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KHALID MOHAMMAD,

Plaintiff,

v.

THE KING CITY POLICE DEPARTMENT,

Defendant.

Case No. [17-cv-04477-BLF](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE VAN KEULEN  
AND DISMISSING CASE WITH  
PREJUDICE**

The Court has reviewed the Report and Recommendation (“Report”) of Magistrate Judge Susan van Keulen granting Plaintiff Khalid Mohammad’s (“Mohammad”) request to proceed *in forma pauperis*, and dismissing this case with prejudice. ECF 7. The Court finds the Report correct, well reasoned, and thorough, and adopts it in every respect.

When reviewing a Report and Recommendation for a nondispositive matter, a court must “set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a). For a dispositive matter, like the one at issue here, a court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(1)(3). *See also* 28 U.S.C. § 636(b)(1). No objections to the Report and Recommendation have been filed and the deadline to object has lapsed. *See* Fed. R.Civ. P. 6(d), 72(b)(2) (deadline for objections is seventeen days after being served by mail); Certificate of Service, ECF 7-1 (Mohammad served with Report by mail on September 28, 2017).

This case is related to two prior actions before this Court: *Mohammad v. King City Police Dep’t*, Case No. 16-cv-02903-BLF; *Mohammad v. King City Police Dep’t*, Case No. 17-cv-00615-BLF. *See* Order Relating Cases, ECF 11. As Magistrate Judge van Keulen explains in the Report,

1 this case is actually the fourth time that Mohammad has filed a claim arising out of his arrest and  
2 subsequent incarceration by a King City Police Department Officer. *See* Report at 2 (summarizing  
3 cases, including a similar case against a different defendant: *Mohammad v. Cal. Dep't of Corrs.*,  
4 Case No. 14-cv-03837). Moreover, the Court has reviewed the record in the related cases and  
5 agrees with the Report that “the complaint here is virtually identical to the complaint Mohammad  
6 filed in [the related cases].” *See* Report at 2.

7 One of the prior identical cases, 17-cv-00615, was dismissed without leave to amend on  
8 June 16, 2017 because this Court found that “Mohammad has, over the course of four years, three  
9 cases, and four motions, failed to remedy [the] basic error in his pleadings despite clear  
10 warnings[.]” *See* Case No. 16-cv-615, ECF 21. The Court finds that this fourth attempt the state a  
11 claim regarding this incident fares no better than Mohammad’s first three cases. Thus, the Court  
12 agrees with the Report that this action is frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

13 After reviewing the entire record in this case and the related actions, the Court finds the  
14 Report correct, well reasoned, and thorough, and adopts it in every respect. Accordingly, the  
15 Court ORDERS as follows:

- 16 1. Mohammad’s motion to proceed IFP is GRANTED because he satisfies the  
17 economic eligibility requirement for IFP status;
- 18 2. The complaint in this action is DISMISSED WITH PREJUDICE.
- 19 3. The Clerk shall serve a copy of this Order on Mohammad and close the file.

20  
21 **IT IS SO ORDERED.**

22  
23 Dated: October 23, 2017

24   
25 BETH LABSON FREEMAN  
26 United States District Judge  
27  
28