

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
DISTRICT OF NEVADA

* * *

DAVID KLUCKA,

Plaintiff(s),

v.

S. OSTROVSKY, et al.,

Defendant(s).

Case No. 2:15-CV-1062 JCM (VCF)

ORDER

Presently before the court is pro se plaintiff David Klucka's motion of inquiry. (Doc. # 11).

On June 25, 2015, the court adopted Magistrate Judge Ferenbach's report and recommendation in full. (Doc. # 7). The court ordered plaintiff's complaint (doc. # 3-1) be dismissed without prejudice and granted plaintiff fourteen days from the entry of the court's order to file an amended complaint.

Plaintiff's instant motion for inquiry does not ask for relief. Plaintiff merely asks for clarification from the court regarding the status of his case. Plaintiff states that he entered a "stipulation for extension of time to file motions or objections," and asks for the court to tell him the correct filing date for his complaint. (Doc. # 11).

The court notes for plaintiff that he moved this court for leave to extend his time to object to the report and recommendation. (Doc. # 8). Plaintiff did not file a stipulation, as he asserts, because a stipulation requires agreement between plaintiff and the opposing party. The court denied plaintiff's motion because the court had already ruled upon the report and recommendation.

Plaintiff has been previously directed by Magistrate Judge Ferenbach and this court to amend his complaint and provide the court with additional facts in support of his claims. See Cato


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

v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995). To state a claim for relief under section 1983, plaintiff must provide facts that show (1) defendants acted under color of state law and (2) deprived plaintiff of rights secured by the Constitution or federal laws. Gibson v. United States, 781 F.2d 1334, 1338 (9th Cir. 1986). Plaintiff is advised that, if he does not file an amended complaint in compliance with the court's June 25, 2015, order, his complaint will be dismissed with prejudice. (Doc. # 7).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff David Klucka's motion of inquiry (doc. # 11) be, and the same hereby is, DENIED.

DATED July 7, 2015.


UNITED STATES DISTRICT JUDGE