

1 v. *Iqbal*, 556 U.S. 662, 678 (2009) (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). The court
2 must accept as true all well-pled factual allegations contained in the complaint, but the same
3 requirement does not apply to legal conclusions. *Iqbal*, 556 U.S. at 679. Mere recitals of the
4 elements of a cause of action, supported only by conclusory allegations, do not suffice. *Id.* at 678.
5 Secondly, where the claims in the complaint have not crossed the line from conceivable to plausible,
6 the complaint should be dismissed. *Twombly*, 550 U.S. at 570. Allegations of a *pro se* complaint
7 are held to less stringent standards than formal pleadings drafted by lawyers. *Hebbe v. Pliler*, 627
8 F.3d 338, 342 & n.7 (9th Cir. 2010) (finding that liberal construction of *pro se* pleadings is required
9 after *Twombly* and *Iqbal*).

10 On June 22, 2017, the Court screened Plaintiff's complaint and found that her allegations
11 failed to state a claim. Docket No. 3. The Court granted Plaintiff leave to amend. *Id.* Plaintiff has
12 now filed an amended complaint that suffers from the same deficiencies outlined previously. Docket
13 No. 4. Moreover, given Plaintiff's inability to cure those deficiencies despite being given an
14 opportunity to do so, further amendment would be futile. For these reasons, the undersigned
15 **RECOMMENDS** that this case be **DISMISSED**.

16 DATED: June 27, 2017

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20 NANCY J. KORPE
21 United States Magistrate Judge

22 **NOTICE**

23 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be
24 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
25 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
26 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
27 held that (1) failure to file objections within the specified time and (2) failure to properly address and
28 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).