

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THOMAS DANIEL EUGENE HALE,

No. 3:16-cv-01733-JR

Plaintiff,

v.

STATE OF TENNESSEE, et al.

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Russo issued a Findings & Recommendation (#5) on November 15, 2016, in which she recommends the Court dismiss Plaintiff's Complaint under 28 U.S.C. § 1915(d). Plaintiff has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th

Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

After the November 15, 2016 Findings & Recommendation was filed, Plaintiff filed a document entitled "Amending as a Writ and More for a Class Action," ECF 4. He also filed more formal objections to the Findings & Recommendation on December 5, 2016, ECF 7. Like the original Complaint, these documents are incomprehensible and provide no basis for modifying Judge Russo's recommendation in any way. The Complaint, as well as Plaintiff's other submissions, fails to state a claim, fails to comply with Federal Rule of Civil Procedure 8, fails to establish why venue in the District of Oregon is proper, and fails to offer any decipherable allegation of facts that this Court could even attempt to understand.

The Court further notes that a recent decision by the District of Tennessee summarily dismissing another action filed by Plaintiff, characterized the filing there as "us[ing] English words and punctuation, but is otherwise incomprehensible." Hale v. Tennessee, No. 7:16CV00552, 2016 WL 7027211, at \*2 (W.D. Va. Nov. 30, 2016). That decision further noted that Plaintiff "has had numerous prior civil actions dismissed as frivolous, malicious, or for failure to state a claim" over many years. Id. It appears that Plaintiff routinely files frivolous, incomprehensible pleadings. At this point, the Court concludes that the deficiencies of the Complaint in this case cannot be cured by amendment and thus, the action is dismissed with prejudice. I have reviewed the pertinent portions of the record *de novo* and find no errors in the Magistrate Judge's Findings & Recommendation.

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## CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings & Recommendation [5], and therefore, the Complaint [2] is dismissed with prejudice. Any appeal of this dismissal would not be taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3).

IT IS SO ORDERED.

DATED this 9 day of Jan, 2017.

  
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MARCO A. HERNANDEZ  
United States District Judge