

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES SUBER,

Plaintiff,

v.

SNOHOMISH COUNTY JAIL, *et al.*,

Defendants.

CASE NO. C18-0484-JCC

ORDER

This matter comes before the Court on Plaintiff’s amended civil rights complaint (Dkt. No. 12), United States Magistrate Judge Mary Alice Theiler’s Report and Recommendation (“R&R”) (Dkt. No. 13), and Plaintiff’s objections to the R&R (Dkt. No. 14). Having reviewed the materials submitted and the record and determined that oral argument is not necessary, the Court hereby OVERRULES Plaintiff’s objections and ADOPTS Judge Theiler’s R&R for the reasons described below.

Plaintiff, proceeding *pro se* and *in forma pauperis*, submitted a prisoner civil rights complaint under 42 U.S.C. section 1983. (Dkt. No. 5 at 1.) Plaintiff alleged that Snohomish County Jail staff members and/or officials failed to respond to his requests for mental health services. (*Id.* at 3.) The Court declined to order service of the complaint after concluding that it was unclear from the face of the complaint who allegedly harmed Plaintiff and what constitutional right was violated. (Dkt. No. 6 at 2–4.) With leave of the Court (*Id.* at 4), Plaintiff

ORDER
C18-0484-JCC
PAGE - 1

1 filed an amended complaint (Dkt. No. 12). While the amended complaint now identifies the
2 constitutional rights allegedly violated, it still does not identify a proper defendant in this matter.
3 (*See generally id.*) On this basis, Judge Thieler issued an R&R recommending Plaintiff's claim
4 be dismissed without prejudice pursuant to 28 U.S.C. section 1915(e)(2)(B)(ii). Plaintiff objects
5 to Judge Theiler's R&R (Dkt. No. 14).

6 Plaintiff's objections identify no particular error in the R&R. (*See generally id.* at 1–3.)
7 Instead, they are a detailed restatement of Plaintiff's prior allegations. (*Id.*) They still lack a key
8 element necessary to maintain suit—a properly-named defendant. (*Id.*) The Court reviews the
9 record *de novo* when considering an objection to an R&R. *See* 28 U.S.C. § 636(b)(1). Based
10 upon this review, the Court finds that Plaintiff has failed to state a claim upon which relief can be
11 granted. Accordingly, Plaintiff's amended complaint should be dismissed without prejudice
12 pursuant to 28 U.S.C. section 1915(e)(2)(B)(ii).

13 For the reasons stated herein, the Court **OVERRULES** Plaintiff's objections, **ADOPTS**
14 the R&R, and **ORDERS** as follows:

15 (1) Plaintiff's complaint is **DISMISSED** without prejudice.

16 (2) The Clerk is directed to send copies of this order to Plaintiff and to Judge Theiler.

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18 DATED this 9th day of July 2018.

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22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
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