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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN GREYSTOKE,

Plaintiff,

v.

CLALLAM COUNTY CORRECTIONS
FACILITY, JAMES VICE, AND
ARTHUR TORDINI, et al.,

Defendants.

CASE NO. 3:17-cv-05272-RJBDWC

ORDER (1) ADOPTING REPORT
AND RECOMMENDATION AND
(2) DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME AND TO CONSOLIDATE
CASES

THIS MATTER comes before the Court on the Report and Recommendation of Magistrate Judge David W. Christel (Dkt. 33) and Plaintiff's Motion for Extension of Time and to Consolidate Cases (Dkt. 36). The Court has considered all submissions filed by Plaintiff, which the Court construes as objections, and the remainder of the file herein.

The Court agrees with and adopts the Report and Recommendation, which recommends dismissal for failure to state a claim upon which relief can be granted. The Court adds additional analysis to the R&R as follows:

(1) Defendant Clallam County.

The R&R addresses defendants James Vice and Arthur Todini, but not defendant Clallam County. Dkt. 33. In Magistrate Judge Christel's May 15, 2017 Order to Show Cause (Dkt. 19),

1 Magistrate Judge Christel explained that to set forth a claim against Clallam County, a
2 municipality, Plaintiff must show the defendant’s employees or agents acted through an official
3 custom, pattern, or policy permitting deliberate indifference to, or violating, the plaintiff’s civil
4 rights, or that the municipality ratified the unlawful conduct. Dkt. 19 at 8. *See Oviatt v. Pearce*,
5 954 F.3d 1470, 1474 (9th Cir. 1992). Thereafter, Plaintiff filed the Second Amended Complaint
6 (Dkt. 22¹). The Second Amended Complaint, however, does not correct the deficiencies
7 identified by the Order to Show Cause, which unambiguously set out the legal standard for
8 Plaintiff’s pleadings. Defendant Clallam County should be dismissed, because as to that
9 defendant the Second Amended Complaint has failed to state a claim.

10 (2) Objections to the R&R.

11 Since the issuance of the R&R Plaintiff has filed multiple submissions, but none have
12 supplemented the Second Amended Complaint (Dkt. 22) in any meaningful way. *See* Dkts. 37-
13 43. In a letter to the Court, docketed as Plaintiff’s Objections (Dkt. 37), Plaintiff requests a third
14 opportunity to amend the Complaint and “to bifurcate the previous charges.” Plaintiff has had
15 multiple opportunities to amend, without success. Further, Plaintiff does not make a coherent
16 showing as to what an amended complaint could allege. *See* Dkt. 37. Plaintiff submitted a copy
17 of the R&R with Plaintiff’s handwritten corrections (Dkt. 38), but the submission does not
18 comprehensibly point to an error. The other filings (Dkts. 39-43) fare no better. Plaintiff invites
19 the magistrate to “take care of the deficiencies” relating to Plaintiff’s disability benefits (Dkt.
20 39), submits Plaintiff’s corrections to a letter from Clallam County Corrections Facility to
21 Plaintiff (Dkt. 40), and requests assistance with obtaining an address (Dkt. 43) and with what

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24 ¹ This Court joins the magistrate judge in its conclusion that Dkt. 22, docketed as Proposed Third Amended
Complaint, is properly referred to as the Second Amended Complaint.

1 appears to be Plaintiff's prison bank account (Dkts. 41, 42). Plaintiff's objections are
2 unpersuasive.

3 (3) Motion for Extension of Time and Consolidate Cases.

4 Since the issuance of the R&R, Plaintiff filed a letter on May 16, 2017, which was
5 docketed as a Motion for Extension of Time and Consolidate Cases. Dkt. 36. The letter requests
6 more time for Plaintiff to file an objection to the R&R. However, since that submission, Plaintiff
7 has made seven other filings. Dkts. 37-43. The request for an extension of time, to the extent it
8 should be construed as a motion, should be denied. The letter also requests "joining" this case
9 with another, C17-5345-BWS-DWC, but Plaintiff makes no factual showing that the cases
10 should be consolidated. Further, because the Second Amended Complaint should be dismissed
11 for failure to state a claim, the motion to consolidate is moot. To the extent that Dkt. 36 should
12 be construed as a motion, the motion should be denied.

13 THEREFORE, it is HEREBY ORDERED:

14 (1) The Court adopts the Report and Recommendation (Dkt. 33).

15 (2) The case is DISMISSED for failure to state a claim.

16 (3) The Motion for Extension of Time and Consolidate Cases (Dkt. 36) is DENIED.

17 (4) This is a strike, pursuant to 28 U.S.C. § 1915(g).

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing pro se at said party's last known address.

20 Dated this 14th day of July, 2017.

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23 ROBERT J. BRYAN
24 United States District Judge