



1           The Report and Recommendation (Dkt. 95) should be adopted and the case dismissed.  
2 The Plaintiff’s objections do not provide a basis to reject the Report and Recommendation. The  
3 Plaintiff generally asserts that the case is based on two civil claims he was unable to bring in  
4 time which he alleges were not frivolous. Dkt. 96. The Plaintiff fails to point to any evidence  
5 support this assertion. The Plaintiff maintains that policy 508 was the moving force behind the  
6 violations. Dkt. 96. Further, the Plaintiff asserts that he suffered constitutional violations of “no  
7 outdoor activity for 10 weeks,” and denial of basic medical and physical therapy. *Id.* He claims  
8 that he experienced “ADA violations by not [being] allow[ed] . . . access [to] handrails in the  
9 shower,” and a campaign of harassment. *Id.* Again, Plaintiff fails to point to any evidence  
10 supporting his assertions. He claims that this case is “90% about [his] access to civil litigation  
11 via access to the courts.” *Id.* The Plaintiff states that he “objects to the taking of his legal  
12 papers.” *Id.*

13           As stated in the Report and Recommendation, the Plaintiff fails to demonstrate that any  
14 of the Defendants took actions which prejudiced him or otherwise blocked him from accessing  
15 the Courts in contravention of the Fifth Amendment or other provision of the Constitution.  
16 Further, he makes no showing that the “Policy 508” was the moving force behind any such  
17 violation.

18           The Plaintiff’s remaining objections, including those relating to his alleged ADA  
19 violation, harassment, the taking of his legal documents are addressed in the Report and  
20 Recommendation. They do not provide a basis to decline to adopt it.

21           The Plaintiff makes reference to wanting to file an appeal in his objections. Dkt. 96. He  
22 also requests that an attorney be appointed for him on appeal. *Id.*

1 The Clerk of the Court should be directed to send a Notice of Appeal form to the  
2 Plaintiff. To the extent that the Plaintiff moves for appointment of an attorney on appeal, that  
3 motion should be denied without prejudice, to be considered, if appropriate by the Court of  
4 Appeals if Plaintiff files an appeal. No appeal is currently pending.

5 It is **ORDERED** that:

- 6 • The Report and Recommendation (Dkt. 95) **IS ADOPTED**;
- 7 • To the extent that the Plaintiff moves for appointment of an attorney on appeal,  
8 that motion **IS DENIED WITHOUT PREJUDICE**;
- 9 • This case **IS DISMISSED**.

10 The Clerk is directed to send the Plaintiff a Notice of Appeal form, and uncertified copies  
11 of this Order to all counsel of record and to any party appearing *pro se* at said party's last known  
12 address.

13 Dated this 3<sup>rd</sup> day of December, 2018.

14 

15 ROBERT J. BRYAN  
16 United States District Judge