

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Michael Thomas LeKeith Braggs v. San Diego Sheriff's Department
and San Diego Deputy Sergeant Q. Brock**

Braggs · No. 24-cv-01772-RBM-VET · Decided January 29, 2026

OPINION

Braggs

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MICHAEL THOMAS LEKEITH Case No.: 24-cv-01772-RBM-VET

BRAGGS,

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BOOKING #24723149, ORDER DISMISSING ACTION FOR

13 FAILURE TO STATE A CLAIM

Plaintiff,

AND FAILURE TO PROSECUTE

14 vs. 15

SAN DIEGO SHERIFF’S

16 DEPARTMENT and SAN DIEGO

DEPUTY SERGEANT Q. BROCK,

17 Defendants. 18

19 20 On October 3, 2024, Plaintiff Michael Thomas LeKeith Braggs, an inmate at the 21 George
Bailey Detention Facility in Santee, California, proceeding pro se, filed a civil 22 rights
Complaint pursuant to 42 U.S.C. § 1983 claiming he was subjected to the excessive 23 use of
force while being booked into the San Diego Central Jail. (Doc. 1.) He also filed a 24 Motion to
Proceed In Forma Pauperis (“IFP”). (Doc. 2.) 25 On October 28, 2024, the Court granted Plaintiff
leave to proceed IFP and dismissed 26 the Complaint without prejudice for failure to state a claim.
(Doc. 3.) On November 29, 27 2025, Plaintiff filed a First Amended Complaint and a second
motion to proceed IFP. 28 (Docs. 4–5.) On May 9, 2025, the Court denied the second IFP motion
as moot and 1 || dismissed the First Amended Complaint for failure to state a claim. (Doc. 7.)
Plaintiff was 2 ||instructed that unless he filed a Second Amended Complaint on or before June 20,
2025, 3 ||the Court would enter a final Order dismissing this civil action based both on
□□□□□□□□□□ 4 ||failure to state a claim upon which relief can be granted pursuant to 28 U.S.C.

5 | §§ 1915(e)(2)(B) & 1915A(b)(1), and failure to prosecute in compliance with a court 6 ||
order requiring amendment. (/d. at 6 (citing *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 7 2005)
("If a plaintiff does not take advantage of the opportunity to fix his complaint, a 8 district court
may convert the dismissal of the complaint into dismissal of the entire 9 || action."").) 10 As of the
date of this Order Plaintiff has not filed a Second Amended Complaint, 11 || Accordingly, the
Court DISMISSES this action for failure to state a claim upon which 12 relief can be granted
pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(1) & 1915A(b)(1), and for 13 || failure to prosecute. The
Clerk of Court shall enter final judgment accordingly and close 14 || the file. 15 IT IS SO
ORDERED. 16 || Dated: January 28, 2026 RR Gs ? L >

i HON. RUTH BERMUDEZ MONTENEGRO

18 UNITED STATES DISTRICT JUDGE

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