

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cornel Jackson v. Manuel Perez, et al.

Jackson v. Perez · No. 1:24-cv-00034-KES-HBK (PC) · Decided August 25, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of Cornel Jackson’s first amended civil rights complaint. The court dismissed the action for failure to state a cognizable claim and misjoinder of an unrelated claim, denied further leave to amend, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 25, 2025
DOCKET	1:24-cv-00034-KES-HBK (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal of a prisoner's first amended civil-rights complaint. Plaintiff objected and requested leave to file a second amended complaint.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's findings and recommendations after plaintiff filed objections under 28 U.S.C. § 636(b)(1)(B).
PRECEDENTIAL VALUE	Unpublished district-court order; limited precedential value.

TOPICS

- motion to amend
- pleadings
- joinder
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- pleading and amendment

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the first amended complaint for failure to state a cognizable claim and for misjoinder should be adopted.
2. Whether plaintiff should receive further leave to amend when he did not explain how a second amended complaint would cure the identified deficiencies and had already amended once.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because plaintiff's objections did not undermine the identified deficiencies in the first amended complaint.
2. Further leave to amend was not warranted where plaintiff had already amended once and failed to explain, through a proposed amendment or otherwise, how another amendment would make the complaint viable.
3. The action was dismissed and the clerk was directed to close the case.

KEY QUOTATIONS

“Plaintiff already had an opportunity to amend his initial complaint and his first amended complaint failed to remedy the deficiencies.” (at 2)

“Plaintiffs objections do not undermine the reasoning in the findings and recommendations and do not set forth a basis for granting further leave to amend.” (at 2)

FACTUAL BACKGROUND

Cornel Jackson filed a prisoner civil-rights action under 42 U.S.C. § 1983 and proceeded pro se and in forma pauperis. His first amended complaint was found deficient because it failed to state a cognizable claim and misjoined an unrelated claim. In objecting, Jackson requested leave to file a second amended complaint but offered only conclusory statements and vague references to unspecified future witness testimony, without explaining how amendment would cure the deficiencies.

PROCEDURAL HISTORY

Plaintiff proceeded pro se and in forma pauperis in a 42 U.S.C. § 1983 action referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge recommended dismissal of the first amended complaint for failure to state a cognizable claim and misjoinder of an unrelated claim. After reviewing plaintiff's objections, the district court adopted the findings and recommendations in full, dismissed the action, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Wolgin v. Simon*, 722 F.2d 389, 394–95 (8th Cir. 1983)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)

- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)

OPINION

(PC)Jackson v. Perez

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 CORNEL JACKSON, Case No. 1:24-cv-00034-KES-HBK (PC) 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS

13 v. Doc. 8 14 MANUEL PEREZ, et al., 15 Defendants. 16 17 Plaintiff Cornel Jackson is
proceeding pro se and in forma pauperis in this civil rights 18 action filed pursuant to 42 U.S.C. §
1983. The matter was referred to a United States magistrate 19 judge pursuant to 28 U.S.C. §
636(b)(1)(B) and Local Rule 302. 20 On October 31, 2024, the assigned magistrate judge issued
findings and recommendations 21 to dismiss plaintiff’s first amended complaint (“FAC”) for
failure to state a cognizable claim for 22 relief and for misjoining an unrelated claim. Doc. 8.
Those findings and recommendations were 23 served on plaintiff and contained notice that any
objections thereto were to be filed withing 14 24 days after service. Id. at 12–13. Plaintiff filed
objections on November 15, 2024. Doc. 9. 25 In his objections, plaintiff does not meaningfully
address the deficiencies identified in his 26 FAC; rather, he requests leave to file a second
amended complaint. See generally id. However, 27 the objections do not explain, beyond
conclusory statements and vague references to future 28 1 | testimony from unspecified witnesses,’
how amendment would remedy the deficiencies in the 2 | FAC. 7d. at 2-4; see also Wolgin v.
Simon, 722 F.2d 389, 394—95 (8th Cir. 1983) (leave to amend 3 | is generally inappropriate where
the plaintiff has not indicated how amendment would make the 4 | complaint viable, either by
submitting a proposed amendment or otherwise indicating what an 5 | amended complaint would
have contained). Plaintiff already had an opportunity to amend his 6 | initial complaint and his first
amended complaint failed to remedy the deficiencies. Plaintiffs 7 | objections do not undermine
the reasoning in the findings and recommendations and do not set 8 | forth a basis for granting
further leave to amend. 9 Accordingly: 10 1. The findings and recommendations issued on October
31, 2024, Doc. 8, are 11 adopted in full; 12 2. This action is dismissed; and 13 3. The Clerk of
Court is directed to close this case. 14 15

16 | IT IS SO ORDERED. _

17 Dated: _ August 24, 2025 4h

is UNITED STATES DISTRICT JUDGE

19 20 21 22 23 24 25 26 ' Plaintiff need not offer evidence at the screening stage in order to allege
a cognizable claim for relief, but he must allege facts sufficient to allow for the inference that each

defendant is liable for 27 || the misconduct alleged. See Fed. R. Civ. P. 8(a)(2) (a complaint must include only “a short and plain statement of the claim showing that the pleader is entitled to relief”); see also *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009).

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