

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.

OPINION

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. 28 | Iqbal*, 556 U.S. 662, 678 (2009); *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009).