

**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

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