

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Fletcher Sherman Legardy v. State of California, et al.

No. 2:22-cv-01881 KJM AC PS (E.D. Cal. Mar. 6, 2023) · No. No. 2:22-cv-01881 KJM AC PS · Decided
March 6, 2023

OPINION

(PS) Legardy v. State of California
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 FLETCHER SHERMAN LEGARDY, No. 2:22-cv-01881 KJM AC PS

12 Plaintiff, 13 v. ORDER 14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff,
proceeding pro se, filed the above-entitled action. The matter was referred to a 18 United States
Magistrate Judge as provided by Local Rule 302(c)(21). 19 On October 27, 2022 the magistrate
judge filed findings and recommendations, which 20 were served on plaintiff and which contained
notice to plaintiff that any objections to the findings 21 and recommendations were to be filed
within 21 days. ECF No. 3. Plaintiff has not filed 22 objections to the findings and
recommendations. 23 The court presumes that any findings of fact are correct. See *Orand v.*
United States, 24 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are
reviewed 25 de novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)
("[D]eterminations of law 26 by the magistrate judge are reviewed de novo by both the district
court and [the appellate] court 27 . . ."). Having reviewed the file, the court finds the findings and
recommendations to be 28 supported by the record and by the proper analysis.] The court further
notes plaintiff appears to dispute federal appropriation of funds, based 2 | on plaintiffs attached
letters. Although the specific contours of plaintiff's allegations are 3 || difficult to understand,
insofar as plaintiffs claim is premised on his disagreement with the 4 || federal government's
appropriation decisions, plaintiff could not amend his complaint to state a 5 || claim. See
Massachusetts v. Mellon, 262 U.S. 447, 487 (1923) ("[The taxpayer's] interest in the 6 || moneys
of the treasury—partly realized from taxation and partly from other sources—is shared 7 || with
millions of others, is comparatively minute and indeterminable, and the effect upon future 8 |
taxation, of any payment out of the funds, so remote, fluctuating and uncertain, that no basis is 9 ||
afforded for an appeal to the preventive powers of a court of equity."). For this reason, in 10 ||
addition to those identified by the magistrate judge, leave to amend would be futile. 11
Accordingly, IT IS HEREBY ORDERED that: 12 1. The findings and recommendations filed

October 27, 2022, are adopted in full; 13 2. All claims against all defendants are DISMISSED with prejudice; and 14 3. This case is closed. 15 || DATED: March 6, 2023. 16 17
13 CHIEF ED STATES DISTRICT JUDGE
19 20 21 22 23 24 25 26 27 28

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