

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

Cornel Jackson v. Pouge, et al.

Jackson v. Pouge · No. No. 1:24-cv-01027-KES-BAM (PC) · Decided September 15, 2025

OPINION

(PC)Jackson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 CORNEL JACKSON, No. 1:24-cv-01027-KES-BAM (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS IN PART

13 v. (Doc. 11) 14 POUGE, et al. 15 Defendants. 16 17 Plaintiff Cornel Jackson is a pretrial
detainee proceeding pro se and in forma pauperis in 18 this civil rights action pursuant to 42
U.S.C. § 1983. This matter was referred to a United States 19 magistrate judge pursuant to 28
U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On May 12, 2025, the assigned magistrate judge
screened the first amended complaint and 21 issued findings and recommendations that this action
be dismissed for failure to state a cognizable 22 claim upon which relief may be granted. Doc. 11.
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 9. Plaintiff's timely
objections, dated May 25, 2025, were filed on
25 June 9, 2025. Doc. 12.

26 In the objections, plaintiff primarily asserts his disagreement with the findings and 27
recommendations based on the allegations in the first amended complaint. Plaintiff's mere 28
disagreement does not provide a basis for rejecting the findings and recommendations. To the 1
extent plaintiff argues that his original complaint contained more factual detail on which a 2
cognizable claim should have been found, plaintiff was advised in the magistrate judge's

3 March 19, 2025 screening order "that an amended complaint supersedes the original complaint,"
4 Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012), and the amended complaint must be
5 "complete in itself without reference to the prior or superseded pleading." Doc. 8 at 15. 6
Plaintiff's failure to include certain factual allegations from his initial complaint in his first 7
amended complaint provides no grounds to undermine the findings and recommendations. 8
However, in light of plaintiff's arguments, the Court will permit plaintiff one final opportunity to 9

amend his complaint. Plaintiff is notified that an amended complaint complaint supersedes 10 the prior complaint and his further amended complaint must state all his allegations and be 11 complete in itself, without reference to the prior pleading. 12 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de 13 novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the 14 Court finds the findings and recommendations to be supported by the record and by proper 15 analysis. 16 Accordingly: 17 1. The findings and recommendations issued on May 12, 2025, Doc. 11, are adopted 18 in part; 19 2. Plaintiff's First Amended Complaint is dismissed for failure to state a cognizable 20 claim upon which relief may be granted; 21 3. Plaintiff may file a Second Amended Complaint within 30 days of the date of this 22 Order; 23 4. If plaintiff fails to timely file a Second Amended Complaint, this action may 24 be dismissed without further notice; and 25 /// 26 /// 27 /// 28 /// 1 5. This matter is referred back to the assigned magistrate judge. 2 3

4 | ISSO ORDERED. _

5 Dated: _ September 14, 2025 4h

' UNITED STATES DISTRICT JUDGE

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