

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 09, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAURICE T. BROWN,
Plaintiff,

v.

NO NAMED DEFENDANT,
Defendant.

4:18-cv-05025-SAB

**ORDER DISMISSING
COMPLAINT**

1915(g)

By Order filed April 10, 2018, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro se* and *in forma pauperis*. Plaintiff did not name a Defendant and none was served.

Specifically, Plaintiff’s allegations under the Universal Declaration of Human Rights did not state a claim upon which relief could be granted. *Sosa v. Alvarez-Machain*, 542 U.S. 692, 734 (2004). His assertion that “all defendants showed a deliberate indifference by showing negligence to his serious medical needs,” was insufficient to state a medical claim under the Eighth Amendment. *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006).

Plaintiff presented no facts from which the Court could infer either a Fourth Amendment violation, *see Hudson v. Palmer*, 468 U.S. 517, 520 (1984) (a prisoner has no reasonable expectation of privacy in prison), or a violation under the Ninth

1 Amendment which does not “independently secur[e] any constitutional right, for
2 purposes of pursuing a civil rights claim.” *See Standberg v. City of Helena*, 791
3 F.2d 744, 748 (9th Cir.1986).

4 Although granted the opportunity to do so, Plaintiff has failed to amend his
5 complaint to state a claim upon which relief may be granted. The Court had
6 cautioned Plaintiff that the failure to amend or voluntarily dismiss would result in
7 the dismissal of this complaint and a possible “strike” under 28 U.S.C. § 1915(g).
8 He has filed nothing further.

9 For the reasons set forth above and in the Order to Amend or Voluntarily
10 Dismiss, ECF No. 17, **IT IS ORDERED** the Complaint, ECF No. 16, is
11 **DISMISSED with prejudice** for failure to state a claim upon which relief may be
12 granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

13 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
14 brings three or more civil actions or appeals which are dismissed as frivolous or for
15 failure to state a claim will be precluded from bringing any other civil action or
16 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious
17 physical injury.” 28 U.S.C. § 1915(g). Plaintiff is advised to read the statutory
18 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may
19 count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may
20 adversely affect his ability to file future claims.

21 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
22 enter judgment, provide copies to Plaintiff at his last known address, and close the
23 file. The Clerk of Court is further directed to forward a copy of this Order to the
24 Office of the Attorney General of Washington, Corrections Division. The Court
25 certifies any appeal of this dismissal would not be taken in good faith.

26 **DATED** this 9th day of July 2018.

A handwritten signature in blue ink that reads "Stanley A. Bastian".

Stanley A. Bastian
United States District Judge