

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN FREDERICK WHEELER,

CASE NO. 1:09-cv-01829-LJO-SMS

Plaintiff,

ORDER STRIKING OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS

v.

PAYLESS TOWING, et al.,

Defendants.

(Doc. 11)

On October 10, 2009, Plaintiff John Frederick Wheeler, proceeding *pro se* and *in forma pauperis*, filed a civil rights action pursuant to 42 U.S.C. § 1983 and California law, arising from an allegedly wrongful repossession of an automobile. On January 11, 2010, the Magistrate Judge entered findings and recommendations recommending dismissal. The Magistrate Judge explained that, because Defendants were not state actors, Plaintiff could not maintain a case pursuant to Section 1983, and that, in the absence of a federal claim, this Court could not exercise pendant jurisdiction over Plaintiff's state claims. The findings and recommendations permitted Plaintiff to file objections within thirty days. Plaintiff filed objections on February 10, 2010. On February 11, 2010, the District Court adopted in full the findings and recommendations and dismissed the case.

On May 10, 2012, Plaintiff again filed objections to the findings and recommendations, arguing that the case was meritorious. Doc. 11. Judgment dismissing the case was entered over two years ago. Because Plaintiff failed to take timely action to appeal the case or to move for reconsideration, the objections are moot.

Accordingly, the Court **HEREBY STRIKES** Plaintiff's Objections to Findings and Recommendations, filed May 10, 2012, as Document 11.

IT IS SO ORDERED.

Dated: May 14, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE