UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,
 	
               Plaintiff,
 	
     v.
 	
CORCORAN STATE PRISON, et al.,
 	
               Defendants.
	1:13-cv-00695-DAD-JLT (PC)
	
	FINDINGS AND RECOMMENDATION TO DISMISS DEFENDANT DR. MAHONEY FOR PLAINTIFF'S FAILURE TO COMPY WITH THE COURT'S ORDER AND TO PROSECUTE THIS ACTION
	
	(Doc. 68)
	
	30-DAY DEADLINE

On November 7, 2016, the Court ordered the plaintiff to show cause within 30 days why Defendant Dr. Mahoney and all claims against him should not be dismissed due to Plaintiff's failure to submit service documents. (Doc. 68.) Despite the lapse of more than the allowed time, Plaintiff has not filed any response to the Court's order. Thus, the Court must conclude that the plaintiff has decided not to proceed in this matter against Dr. Mahoney. Accordingly, the Court recommends that Defendant Dr. Mahoney and all claims against him be dismissed with prejudice for Plaintiff's failure to comply with the Court's order and to prosecute this action.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). **Within 30 days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's

Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: __December 13, 2016__ _____ **/s/ Jennifer L. Thurston**
UNITED STATES MAGISTRATE JUDGE