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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

CORCORAN STATE PRISON, et al.,

Defendants.

No. 1:13-cv-00695-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING
DEFENDANT DR. MAHONEY

(Doc. Nos. 68, 69)

Plaintiff King Mwasi is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On November 7, 2016, the magistrate judge assigned to this case issued an order for plaintiff to show cause within twenty-one days why defendant Dr. Mahoney should not be dismissed from this action due to plaintiff’s failure to comply with the court’s order and to prosecute this action against defendant Dr. Mahoney. (Doc. No. 68.) Plaintiff did not respond to that order and, therefore, findings and recommendation issued on December 13, 2016, recommending that defendant Dr. Mahoney be dismissed with prejudice from this action. (Doc. No. 69.) The findings and recommendations were served that same day and allowed thirty days

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1 for plaintiff to file objections thereto. (*Id.*) Plaintiff did not file objections.¹

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
4 and recommendations to be supported by the record and by proper analysis, and they are
5 accordingly adopted in full.

6 Accordingly:

- 7 1. The findings and recommendations, issued on December 13, 2016 (Doc. No. 69), are
8 adopted in full; and
- 9 2. Defendant Dr. Mahoney is dismissed from this action with prejudice.

10 IT IS SO ORDERED.

11 Dated: April 27, 2017

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14 UNITED STATES DISTRICT JUDGE

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24 ¹ This action was stayed on February 1, 2017 to allow plaintiff to file an application to proceed *in*
25 *forma pauperis* under 28 U.S.C. § 1915(a), which application was granted on March 28, 2017.
26 (*See* Doc. Nos. 72, 76, 77.) However, the time for plaintiff both to respond to the magistrate
27 judge's order to show cause and to file objections to the findings and recommendation
28 recommending that defendant Dr. Mahoney be dismissed, had already lapsed. In any event,
plaintiff has still not replied to the November 7, 2017 order to show cause or otherwise filed
service documents with respect to Dr. Mahoney. Dismissal of that defendant is appropriate under
these circumstances.