

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EARL SIMPSON,

Petitioner,

V.

AUDREY KING, Executive Director of
Coalinga State Hospital, and CLIFFORD
ALLENBY, Chief Director of California
Mental Health Services,

Respondent.

Case No. 1:14-cv-01679-AWI-SMS HC

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THAT THE
COURT DISMISS PETITION
FOR FAILURE TO PROSECUTE

(Doc. 7)

Petitioner Earl Simpson is a former state prisoner who has been civilly committed to Coalinga State Hospital pursuant to California Penal Code § 2972. On October 21, 2014, Petitioner filed a document entitled "Petition for Writ of Mandamus and Prohibition and Requesting to Vacate an Order of Judgment." The Court reviewed the petition and dismissed it on December 31, 2014, with leave to amend for failure to state a cognizable claim. Petitioner failed to amend the petition or to respond in any other way.

On February 11, 2015, the undersigned issued an order to show cause why this action should not be dismissed for failure to obey a court order, returnable within fifteen days. Again, Petitioner failed to respond in any other way.

Accordingly, the undersigned RECOMMENDS that the Court dismiss the above-captioned petition for writ of habeas corpus for failure to obey a court order.

1 These findings and recommendations are submitted to the Honorable Anthony W. Ishii,
2 United States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule
3 72-304 of the Local Rules of Practice for the United States District Court, Eastern District of
4 California. Within thirty (30) days after being served with a copy, either party may file written
5 objections with the Court, serving a copy on all parties. Such a document should be captioned
6 "Objections to Magistrate Judge's Findings and Recommendations." The Court will then review the
7 Magistrate Judge's ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to
8 file objections within the specified time may waive the right to appeal the District Court's order.
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10 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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12 IT IS SO ORDERED.

13 Dated: March 11, 2015

14 /s/ Sandra M. Snyder
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UNITED STATES MAGISTRATE JUDGE