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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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9 EARL SIMPSON,

10 Petitioner,

11 v.

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

14 Respondent.  
15

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

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

(Doc. 7)

16 Petitioner Earl Simpson is a former state prisoner who has been civilly committed to  
17 Coalinga State Hospital pursuant to California Penal Code § 2972. On October 21, 2014, Petitioner  
18 filed a document entitled "Petition for Writ of Mandamus and Prohibition and Requesting to Vacate  
19 an Order of Judgment." The Court reviewed the petition and dismissed it on December 31, 2014,  
20 with leave to amend for failure to state a cognizable claim. Petitioner failed to amend the petition or  
21 to respond in any other way.  
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23 On February 11, 2015, the undersigned issued an order to show cause why this action should  
24 not be dismissed for failure to obey a court order, returnable within fifteen days. Again, Petitioner  
25 failed to respond in any other way.  
26

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

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

IT IS SO ORDERED.

Dated: March 11, 2015

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE