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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN VINCENT FORD,
Plaintiff,
v.
AUDREY KING, et al.,
Defendants.

No. 1:17-cv-00822-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION AS TIME-BARRED AND DUE TO
PLAINTIFF’S FAILURE TO STATE A
CLAIM

(Doc. No. 46)

Plaintiff Darren Vincent Ford 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 to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2020, the assigned magistrate judge screened plaintiff’s first amended complaint (“FAC”) and issued findings and recommendations recommending that this action be dismissed as time-barred and due to plaintiff’s failure to state a cognizable claim. (Doc. No. 46.) In particular, the magistrate judge found that plaintiff’s claims, which are predicated on his discharge from Coalinga State Hospital on October 28, 2011, are barred by the applicable statute of limitations because he filed this action on June 15, 2017. (*Id.* at 5.) In addition, the magistrate judge found that plaintiff made “no allegations to demonstrate that any equitable tolling should apply or to explain the approximate two-year delay in bringing this action.” (*Id.*) The pending

1 findings and recommendations were served on plaintiff and contained notice that any objections
2 thereto were to be filed within fourteen (14) days of service. (*Id.* at 5.) On August 10, 2020,
3 plaintiff timely filed objections to the pending findings and recommendations. (Doc. No. 47.)

4 In his objections, plaintiff does not address the analysis set forth in the pending findings
5 and recommendations or proffer allegations to show that equitable tolling of the statute of
6 limitations could apply here. (Doc. No. 47.) In fact, plaintiff states that he “cannot really object
7 to the . . . findings and recommendations.” (*Id.* at 1.)

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s
10 objections, the court concludes the findings and recommendations are supported by the record
11 and by proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on July 29, 2020 (Doc. No. 46) are
14 adopted in full;
- 15 2. This action is dismissed as barred by the applicable statute of limitations and due
16 to plaintiff’s failure to state a cognizable claim for relief; and
- 17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: August 27, 2020

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22 UNITED STATES DISTRICT JUDGE
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