

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KING MWASI,  
Plaintiff,  
v.  
T. BLANCHARD, et al.,  
Defendants.

No. 1:22-cv-00488-ADA-EPG (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THE ACTION  
(ECF Nos. 21, 32, 35)

Plaintiff King Mwasi is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action. 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 September 6, 2022, the assigned Magistrate Judge entered findings and recommendations recommending the action be dismissed as barred under the doctrine of *res judicata* and by the statute of limitations on Plaintiff's claims. (ECF No. 32 at 2, 18.) The findings and recommendations were served on the parties and contained notice that any objections thereto must be filed within fourteen (14) days. (*Id.*) Plaintiff filed untimely objections on November 4, 2022, along with a motion to appoint counsel. (ECF No. 35.) Plaintiff's objections largely restate the claims in his complaint and do not argue those claims are novel or within the statute of limitations. (*Id.*)

///

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's  
3 objections, the Court concludes the findings and recommendations are supported by the record  
4 and proper analysis. Because the Court will direct the Clerk of Court to close this case, the Court  
5 denies Plaintiff's request for appointment of pro bono counsel as moot.

6 Accordingly,

- 7 1. The Court adopts the findings and recommendations issued on September 6, 2022  
8 (ECF No. 32), in full;
- 9 2. The Court dismisses Plaintiff's claims as barred by the doctrine of *res judicata* and  
10 under the statute of limitations;
- 11 3. The Court denies Plaintiff's motion to appoint counsel; and
- 12 4. The Clerk of Court is directed to close this case.

13  
14  
15 IT IS SO ORDERED.

16 Dated: June 1, 2023

17   
18 \_\_\_\_\_  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28