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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRADY ARMSTRONG,
Plaintiff,
v.
D. YOUNG, et al.,
Defendants.

No. 2:12-cv-0123 TLN KJN P
FINDINGS AND RECOMMENDATIONS

By order filed June 28, 2013, plaintiff was ordered to show cause, within thirty days, why plaintiff's claims against the remaining defendants, Turner, Young, and John Doe should not be dismissed.¹ The thirty day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that:

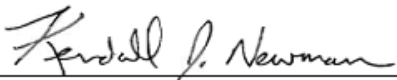
1. Plaintiff claims against defendants Turner and Young be dismissed with prejudice on res judicata grounds;
2. Plaintiff's claims against John Doe be dismissed without prejudice based on plaintiff's failure to first exhaust administrative remedies; and
3. The Clerk of Court be directed to terminate this action.

¹ Plaintiff's claims against defendant Brewer were dismissed on September 25, 2012, and claims against defendant Chandler were dismissed on July 29, 2013. (ECF Nos. 24 & 50.)

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is 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 (9th Cir. 1991).

Dated: August 7, 2013


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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