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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOLOMON McCOY,

Plaintiff,

No. 2:13-cv-0374 LKK CKD P

vs.

YOLO COUNTY, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a Yolo County Jail inmate proceeding pro se, has filed this civil rights action seeking relief under 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 March 5, 2013, the undersigned filed findings and recommendations which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations. Moreover, while plaintiff’s consent form apparently was filed after the March 5 findings were prepared, plaintiff has consented to the jurisdiction of the undersigned magistrate judge. (Dkt. No. 4.) Accordingly, the undersigned will vacate its findings and recommendations and order this case dismissed for the reason set forth in its March 5 findings – specifically, that plaintiff’s claims are barred by Heck v. Humphrey, 512 U.S. 477

1 (1994).

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed March 5, 2013, are vacated; and
4 2. This action is dismissed for failure to state a claim upon which relief can be
5 granted.

6 Dated: April 8, 2013

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8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

11 2/de
12 mcco0374.ord

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