1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	DAVID C. PATKINS,	No. 2:15-cv-01896 AC P
12	Plaintiff,	
13	V.	ORDER
14	R. GONZALES, et. al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
18	U.S.C. § 1983. On May 8, 2017, the court screened plaintiff's complaint and determined that his	
19	allegations were barred by the statute of limitations. ECF No. 7. Rather than dismissing his	
20	claims immediately, the court ordered plaintiff to show cause as to why his claims should be	
21	construed as timely. <u>Id.</u> On May 24, 2017, plaintiff filed a response wherein he thanked the court	
22	for the opportunity to be heard and stated "I've tried so hard for this case but I don't really think I	
23	have any options except continued loss." ECF No. 10.	
24	For the reasons previously explained, see ECF No. 7, the statute of limitations bars this	
25	action. Plaintiff has provided no information that could support a different result, and appears to	
26	concede untimeliness. The court notes that it has the power to dismiss this action because	
27	plaintiff consented to magistrate judge jurisd	iction. ECF No. 5; see Wilhelm v. Rotman, 680 F.3d
28	1113, 1119-21 (9th Cir. 2012).	
		1

1	Accordingly, IT IS HEREBY ORDERED that this action is dismissed with prejudice as		
2	untimely. The Clerk of Court shall close this case.		
3	DATED: June 27, 2017		
4	auson Clane		
5	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE		
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
	2		