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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEAN P. STEPHENS,
Plaintiff,
v.
PETER BARREN VAUGHEY, et al.,
Defendants.

Case No. 24-cv-08605-EMC

**ORDER ADOPTING REPORT &
RECOMMENDATION; AND
DISMISSING CASE**

Docket No. 9

United States District Court
Northern District of California

Plaintiff Dean P. Stephens, proceeding pro se, has filed suit against four individuals: Michael McCabe, PhD; Peter B. Vaughey, M.D.; Anne M. Chestnut, RN; and Maxine Meadowbrook, NP.

The case was initially assigned to Magistrate Judge Spero. Judge Spero granted Mr. Stephens’s application to proceed in forma paupers (“IFP”) but ordered Mr. Stephens to show cause as to why his case should not be dismissed for lack of subject matter jurisdiction. See Docket No. 6 (Order at 3-4) (stating there is an insufficient showing of diversity jurisdiction because Mr. Stephens failed to allege the citizenship of each defendant; also there is an insufficient showing of federal question jurisdiction because no federal claim is pled in the complaint – indeed, there are no “specific facts that relate to the conduct of the named defendants such that a federal claim might be gleaned from Plaintiff’s scant and cryptic allegations”). Judge Spero indicated that Mr. Stephens could respond to the order to show cause by filing an amended complaint addressing the deficiencies identified in the order. Judge Spero also explained to Mr. Stephens that, if he did not file a response to the order to show cause by February 10, 2025, the case would be “reassigned to a United States district judge with a recommendation that it be

1 dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).” Docket No. 6 (Order at 4).

2 Mr. Stephens failed to file a response to Judge Spero’s order to show cause. Accordingly,
3 Judge Spero issued a report and recommendation (“R&R”), recommending that Mr. Stephens’
4 case be dismissed for the reasons stated in the prior order to show cause. Judge Spero noted that
5 Mr. Stephens could file an objection to the R&R within two weeks of the date on which he
6 received the R&R. *See* Docket No. 9 (R&R).

7 The R&R was mailed to Mr. Stephens on February 18, 2025. No objection has since been
8 received by the Court. *See* Fed. R. Civ. P. 6(d) (“When a party may or must act within a specified
9 time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the
10 clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire
11 under Rule 6(a).”).

12 The Court has reviewed Judge Spero’s R&R, which essentially incorporates by reference
13 the order to show cause. The Court finds the R&R correct, well reasoned, and thorough and
14 therefore **ADOPTS** it in every respect. Mr. Stephens’s complaint is dismissed for lack of subject
15 matter jurisdiction.

16 The Court orders the Clerk of the Court to enter a final judgment in accordance with this
17 order and close the file in the case.

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19 **IT IS SO ORDERED.**

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21 Dated: March 12, 2025

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24 EDWARD M. CHEN
United States District Judge

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