

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Davis v. Clark

Davis · No. 1:25-cv-0229 JLT SAB (PC) · Decided June 24, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a prisoner civil-rights action. The court dismissed the action with prejudice for failure to state a claim, failure to prosecute, and failure to obey court orders, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 24, 2025
DOCKET	1:25-cv-0229 JLT SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations recommending dismissal of a pro se prisoner's civil-rights action.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Keenan Dwayne Davis v. Ken Clark, et al.

TOPICS

- prisoners rights
- section 1983
- sanctions
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- civil procedure
- federal courts

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted after de novo review.

2. Whether the action should be dismissed with prejudice for failure to state a claim, failure to obey court orders, and failure to prosecute.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review.
2. The action was dismissed with prejudice because Plaintiff failed to state a claim, failed to prosecute the action, and failed to obey the court's order.

KEY QUOTATIONS

“This action is DISMISSED with prejudice for Plaintiff's failure to state a claim, failure to prosecute, and failure to obey the Court's order.” (at 2)

FACTUAL BACKGROUND

Keenan Dwayne Davis brought a civil-rights action concerning alleged violations at the Substance Abuse Treatment Facility and State Prison, Corcoran. After screening, the magistrate judge determined that the complaint failed to state a cognizable claim and gave Davis an opportunity to amend. Davis did not amend his complaint, respond to an order to show cause, or otherwise prosecute the action.

PROCEDURAL HISTORY

The magistrate judge screened the complaint under 28 U.S.C. § 1915A(a), found that it failed to state a cognizable claim, and granted Plaintiff leave to amend. Plaintiff did not file an amended complaint or respond to an order to show cause. The magistrate judge recommended dismissal for failure to state a claim, failure to obey court orders, and failure to prosecute. After Plaintiff failed to object, the district court conducted de novo review, adopted the findings and recommendations in full, dismissed the action with prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 KEENAN DWAYNE DAVIS, Case No. 1:25-cv-0229 JLT SAB (PC) 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE
13 v. ACTION WITH PREJUDICE, AND DIRECTING THE CLERK OF COURT TO 14 KEN

CLARK, et al., CLOSE THIS CASE 15 (Doc. 11) Defendants. 16 17 Keenan Dwayne Davis seeks to hold the defendants liable for violations of his civil rights 18 at the Substance Abuse Treatment Facility and State Prison, Corcoran.

(See Doc. 1.) The 19 magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found 20 Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 8.) The Court 21 provided the relevant legal standards and granted Plaintiff an opportunity to file an amended 22 complaint. (See id.)

The Court also informed Plaintiff that failure to file an amended complaint 23 would result in a recommendation of dismissal. (Id. at 8.) Plaintiff failed to file an amended 24 complaint or otherwise respond to the Court.

The magistrate judge ordered Plaintiff to show cause 25 why the action should not be dismissed. (Doc. 9.) Again, Plaintiff failed to respond to Court. 26 The magistrate judge then recommended the Court dismiss the action. (Doc. 11.)

In 27 doing so, the magistrate judge reiterated the findings that Plaintiff failed to state a cognizable 28 claim. (Id. at 3-8.) The magistrate judge also found Plaintiff failed to comply with the Court's 1 | screening order and failed to prosecute the action. (/d. at 8.)

The magistrate judge considered the 2 | factors identified by the Ninth Circuit in *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988), 3 | and found terminating sanctions are appropriate for Plaintiffs inaction. (/d. at 10-11.)

Therefore, 4 | the magistrate judge recommended the Court dismiss the action for Plaintiffs failure to state a 5 | claim, failure to obey the Court's orders, and failure to prosecute. (/d. at 11.) 6 The Court served the Findings and Recommendations on Plaintiff and notified him that 7 | any objections were due within 14 days. (Doc. 11 at 11.)

The Court advised him that the □□□□□□□ 8 || to file objections within the specified time may result in the waiver of rights on appeal." (/d. at 9 12, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file 10 | objections, and the time to do so has passed. 11 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.

12 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 13 || are supported by the record and proper analysis. Thus, the Court
ORDERS: 14 1. The Findings and Recommendations issued on May 30, 2025 (Doc. 11) are 15 ADOPTED in full. 16 2. This action is DISMISSED with prejudice for Plaintiff's failure to state a claim, 17 failure to prosecute, and failure to obey the Court's order.

18 3. The Clerk of Court is directed to close this case. 19 20 IT IS SO ORDERED. Dated: _ June 23, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 22 23 24 25 26 27 28

