

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

OPINION

(PC) Davis v. Clark

PER CURIAM.

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