

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

Johnson v. Nugent

Johnson · No. 1:24-cv-00949 JLT BAM (PC) · Decided May 19, 2025

OPINION

(PC) Johnson v. Nugent

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SHAWN PIERRE JOHNSON, Case No. 1:24-cv-00949 JLT BAM (PC) 12 Plaintiff,

ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS, DISMISSING THE

13 v. ACTION WITH PREJUDICE, AND

DIRECTING THE CLERK OF COURT TO

14 NUGENT, et al., CLOSE THIS CASE 15 Defendants. (Doc. 13) 16 17 Pierre Johnson is a state
prisoner and seeks to hold the defendants liable for violations of 18 his civil rights while
incarcerated at Kern Valley State Prison. (See generally Doc. 11.) The 19 magistrate judge
screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A(a). 20 (Doc. 12.) The
magistrate judge found Plaintiff failed to state a cognizable claim and granted him 21 leave to cure
the deficiencies identified by the Court. (Id. at 3-9.) In the alternative, the Court 22 informed
Plaintiff that he could file a notice of voluntary dismissal. (Id. at 9.) 23 After Plaintiff failed to
respond to the Court’s order—either by filing an amended 24 complaint or a voluntary dismissal
—the magistrate judge recommended dismissal. (Doc. 13.) In 25 doing so, the magistrate judge
reiterated the findings that Plaintiff failed to state a cognizable 26 claim. (Id. at 4-9.) In addition,
the magistrate judge round Plaintiff failed to comply with the 27 Court’s screening order and
failed to prosecute the action. (Id. at 9-10.) The magistrate judge 28 considered the factors
identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1 | 1423 (9th Cir. 1986),
and found terminating sanctions are appropriate for Plaintiff’s inaction. □□□□ 2 | at 10-11.)
Therefore, the magistrate judge recommended the Court dismiss the action “with 3 | prejudice, for
failure to state a claim, for failure to obey a court order, and for Plaintiff’s failure to 4 | prosecute
this action.” (Jd. at 11.) 5 The Court served the Findings and Recommendations on Plaintiff and
notified him that 6 | any objections were due within 14 days. (Doc. 13 at 11.) The Court advised
him that the “failure 7 | to file objections within the specified time may result in the waiver of the
‘rights to challenge the 8 | magistrate judge’s factual findings’ on appeal.” (Ud., quoting Wilkerson

v. Wheeler, 772 F.3d 9 | 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed. 10 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 11 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 12 | are supported by the record and proper analysis. Thus, the Court ORDERS: 13 1. The Findings and Recommendations issued on April 22, 2025 (Doc. 13) are 14 ADOPTED in full. 15 2. This action is DISMISSED with prejudice for Plaintiff's failure to state a claim, 16 failure to obey a court order, and failure to prosecute. 17 3. The Clerk of Court is directed to close this case. 18 19 IT IS SO ORDERED. 29 | Dated: _May 19, 2025 Charis [Tourn
TED STATES DISTRICT JUDGE
21 22 23 24 25 26 27 28