

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Malcolm Tandy Lamon Stroud v. Pruitt, et al.

Stroud v. Pruitt · No. 1:17-cv-01659 JLT BAM (PC) · Decided May 30, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning Plaintiff’s failure to comply with an order compelling discovery. The court granted Defendants’ motion for terminating sanctions under Federal Rule of Civil Procedure 37(b)(2) and dismissed the action with prejudice. The Clerk of Court was directed to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MALCOLM TANDY LAMON STROUD, Case No. 1:17-cv-01659 JLT
BAM (PC) 12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS,
GRANTING 13 v. DEFENDANTS’ MOTION FOR TERMINATING SANCTIONS, AND 14
PRUITT, et al., DIRECTING THE CLERK OF COURT TO CLOSE THE CASE 15 Defendants.
(Docs.

62, 63) 16 17 Malcolm Tandy Lamon Stroud, aka Treasure Stroud, is a state prisoner proceeding
pro se 18 and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.
Defendants moved 19 to dismiss the action, seeking terminating sanctions pursuant to Federal
Rule of Civil Procedure 20 37(b)(2) on the grounds that Plaintiff failed to comply with the Court’s
order compelling 21 discovery.

(Doc. 62.) 22 The magistrate judge observed that Defendants previously moved to compel
Plaintiff’s 23 production of documents that she relied upon during her deposition and “did not turn
over for 24 copying or scanning.” (Doc. 63 at 1, citing Doc. 58.)

The Court granted the motion to compel 25 and ordered Plaintiff to produce the requested
documents for scanning with a written declaration, 26 signed under penalty of perjury, confirming
the documents produced were the same as those 27 relied upon during her deposition. (See Doc.
60.)

The magistrate judge found Plaintiff failed to 28 comply with this order and acted in bad faith.
(Doc. 63 at 6-7.) The magistrate judge considered 1 | the factors set forth by the Ninth Circuit in

Henderson v. v. Duncan, 779 F.2d 1421, 1423 (9th 2 | Cir. 1986), and found terminating sanctions are appropriate. (Doc. 63 at 8-10.)

Therefore, the 3 | magistrate judge recommended the Court grant the motion to dismiss. (/d. at 11.)
4 The Court served the Findings and Recommendations on Plaintiff and notified her that 5 |
“failure to file objections within the specified time may result in the waiver of the ‘right to 6 |
challenge the magistrate’s factual findings’ on appeal.” (Doc. 63 at 11, quoting Wilkerson v. 7 |
Wheeler, 772 F.3d 834, 838-39 (9th Cir.

2014).) The Court granted Plaintiff's two requests for 8 | extensions of time and ordered Plaintiff
to file objections within 30 days of the extension granted 9 | on April 8, 2025. Although 50 days
have now passed, Plaintiff did not file any objections. 10 According to 28 U.S.C. § 636(b)(1), the
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 by
proper analysis.

Thus, the Court ORDERS: 13 1. The Findings and Recommendations issued on February 6, 2025
(Doc. 63) are 14 ADOPTED in full. 15 2. Defendants’ motion for terminating sanctions (Doc. 62)
is GRANTED. 16 3. The action is DISMISSED with prejudice due to Plaintiff's failure to comply
with 17 the Court’s order compelling discovery production. 18 4.

The Clerk of Court is directed to close this case. 19 20 IT IS SO ORDERED. 21 | Dated: __May
30, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 22 23 24 25 26 27 28