

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

OPINION

(PC) Malcolm Stroud v. Pruitt

PER CURIAM.

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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

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