

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Romaine Nevels v. J. Kern

No. 2:22-cv-0441 KJM AC P, United States District Court for the Eastern District of California (July 8, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after neither party filed objections. The court granted the defendant’s motion for summary judgment and dismissed the prisoner civil-rights action without prejudice for failure to exhaust administrative remedies.

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	July 8, 2025
DOCKET	2:22-cv-0441 KJM AC P
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning a prisoner civil-rights action and, after receiving no objections, adopted them in full, granted defendant's motion for summary judgment, and dismissed the action without prejudice for failure to exhaust administrative remedies.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	unpublished nonprecedential district-court order

TOPICS

- prisoners rights
- section 1983
- summary judgment
- civil procedure

PRACTICE AREAS

- Prisoner civil rights
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when neither party filed objections.
2. Whether defendant was entitled to summary judgment and dismissal without prejudice because plaintiff failed to exhaust administrative remedies.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and proper analysis, and no party filed objections.
2. Defendant's motion for summary judgment was granted, and the action was dismissed without prejudice for failure to exhaust administrative remedies.

KEY QUOTATIONS

“The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo.” (1)

“This action is dismissed without prejudice for failure to exhaust administrative remedies;” (2)

FACTUAL BACKGROUND

Romaine Nevels, a state prisoner proceeding pro se, brought a civil-rights action seeking relief under 42 U.S.C. § 1983 against J. Kern. The record, as summarized by the order, supported the magistrate judge's recommendation that the action be dismissed for failure to exhaust administrative remedies. Neither party filed objections to the findings and recommendations.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed an action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge issued findings and recommendations on May 20, 2025; neither party objected. The district court adopted the findings and recommendations, granted defendant's summary-judgment motion, dismissed the action without prejudice for failure to exhaust administrative remedies, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

(PC) Nevels v. Kern

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 10 Romaine Nevels, No. 2:22-cv-0441 KJM AC P 11 Plaintiff, ORDER 12 v. 13 J. Kern 14
Defendant. 15 16 Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking
relief 17 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as
provided 18 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 19 On May 20, 2025, the magistrate
judge filed findings and recommendations, which were 20 served on all parties and which
contained notice to all parties that any objections to the findings 21 and recommendations were to
be filed within twenty-one days. ECF No. 35. Neither party filed 22 objections to the findings and
recommendations. 23 The court presumes that any findings of fact are correct. See *Orand v. United*
States, 24 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are
reviewed 25 de novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)
("[D]eterminations of law 26 by the magistrate judge are reviewed de novo by both the district
court and [the appellate] court 27 . . ."). Having reviewed the file, the court finds the findings and
recommendations to be 28 supported by the record and by the proper analysis.] Accordingly, IT IS
HEREBY ORDERED that: 2 1. The findings and recommendations (ECF No. 35) are adopted in
full; 3 2. Defendant’s motion for summary judgment (ECF No. 23) is granted; 4 3. This action is
dismissed without prejudice for failure to exhaust administrative 5 || remedies; and 6 4. The Clerk
of the Court is directed to close this case. 7 IT IS SO ORDERED. 8 | DATED: July 7, 2025. oUt
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STATES DISTRICT JUDGE

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