

**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.

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 10 — VM —

STATES DISTRICT JUDGE

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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