

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

James Carl Kelly v. R. Cross

No. 2:23-cv-1422 TLN AC P, United States District Court for the Eastern District of California (March 31,
2025)

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations after Plaintiff James Carl Kelly filed no objections. The court denied Plaintiff's applications to proceed in forma pauperis, ordered him to pay the required \$405 filing fee within 30 days or face dismissal, and referred the matter back to the magistrate judge for further pretrial proceedings.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JAMES CARL KELLY, No. 2:23-cv-1422 TLN AC P 12 Plaintiff, 13 v.
ORDER 14 R. CROSS, et al., 15 Defendants. 16 17 Plaintiff James Carl Kelly ("Plaintiff"), a state
prisoner proceeding pro se, filed this civil 18 rights action seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On February 21, 2025, the magistrate judge filed findings and
recommendations which 21 were served on Plaintiff and which contained notice that any
objections to the findings and 22 recommendations were to be filed within fourteen days.

(ECF No. 13). Plaintiff has not filed 23 objections to the findings and recommendations. 24 The
Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 25 F.2d 207,
208 (9th Cir. 1979).

The magistrate judge's conclusions of law are reviewed de novo. 26 See *Robbins v. Carey*, 481
F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the 27 magistrate judge are reviewed
de novo by both the district court and [the appellate] court[.]"). 28 Having reviewed the file, the
Court finds the findings and recommendations to be supported by 1 | the record and by the proper
analysis.

2 Accordingly, IT IS HEREBY ORDERED that: 3 1. The findings and recommendations (ECF
No. 13) are ADOPTED in full; 4 2. Plaintiffs applications to proceed in forma pauperis (ECF Nos.
5, 10) are DENIED; 5 3. Within thirty (30) days of the filing of this order, Plaintiff shall pay the

entire \$405.00 6 in required fees or face dismissal of this case; and 7 4. This matter is referred back to the assigned magistrate judge for all further pretrial 8 proceedings.

9 | DATED: March 28, 2025 10 12 TROY L. NUNLEY 13 CHIEF UNITED STATES DISTRICT
JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28