

**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)

OPINION

(PC) Kelly v. Cross

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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
18 (“Plaintiff”), a state prisoner proceeding pro se, filed this civil 18 rights action seeking relief under
19 42 U.S.C. § 1983. The matter was referred to a United States 19 Magistrate Judge pursuant to 28
20 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 21, 2025, the magistrate judge filed
21 findings and recommendations which 21 were served on Plaintiff and which contained notice that
22 any objections to the findings and 22 recommendations were to be filed within fourteen days.
23 (ECF No. 13). Plaintiff has not filed 23 objections to the findings and recommendations. 24 The
25 Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 25 F.2d 207,
26 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. 26 See
27 *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 27
28 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

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