

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wolinski v. Moeckly

No. 2:25-cv-1202-DJC-JDP (P), United States District Court for the Eastern District of California (June 25, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The court denied Plaintiff’s application to proceed in forma pauperis, directed payment of the filing fee within 30 days, and referred the matter back to the magistrate judge for further pretrial proceedings.

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	June 25, 2025
DOCKET	2:25-cv-1202-DJC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after the plaintiff failed to file objections and adopted them in full. The court denied plaintiff's application to proceed in forma pauperis and directed him to pay the filing fee.
STANDARD OF REVIEW	The court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- in forma pauperis

QUESTIONS PRESENTED

1. Whether the notice accompanying the magistrate judge's findings and recommendations was sufficient to notify plaintiff of the potential disqualification under 28 U.S.C. § 1915(g).
2. Whether the district court should adopt the magistrate judge's findings and recommendations in the absence of objections.
3. Whether plaintiff's application to proceed in forma pauperis should be denied.

HOLDINGS

1. Notice that plaintiff had fourteen days to object to the magistrate judge's findings and recommendations was sufficient to constitute notice of the potential disqualification under 28 U.S.C. § 1915(g).
2. The district court adopted the magistrate judge's findings and recommendations in full after reviewing the record and receiving no objections.
3. Plaintiff's application to proceed in forma pauperis was denied, and plaintiff was directed to tender the filing fee within thirty days.

KEY QUOTATIONS

“The Court observes that this procedure is sufficient to constitute notice to the Plaintiff of the potential disqualification under 28 U.S.C. 1915(g) as required by Andrews v. King, 398 F.3d 1113, 1120.” (at 1)

“The Magistrate Judge’s conclusions of law are reviewed de novo.” (at 1)

FACTUAL BACKGROUND

Plaintiff Krzysztof F. Wolinski is a state prisoner proceeding without counsel. He filed a civil-rights action under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. The magistrate judge issued findings and recommendations concerning the application, and plaintiff did not object after receiving notice of the fourteen-day objection period.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. The matter was referred to a magistrate judge, who issued findings and recommendations on May 21, 2025. After plaintiff received notice and filed no objections, the district court adopted the findings and recommendations, denied in forma pauperis status, ordered payment of the filing fee within thirty days, and referred the case back for further pretrial proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred back to the assigned magistrate judge for all further pretrial proceedings.

CASES CITED

- Andrews v. King, 398 F.3d 1113, 1120
- Orand v. United States, 602 F.2d 207, 208
- Robbins v. Carey, 481 F.3d 1143, 1147

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 KRZYSZTOF F. WOLINSKI, Case No. 2:25-cv-1202-DJC-JDP (P) 12
Plaintiff, 13 v. ORDER 14 J. MOECKLY, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner
proceeding pro se, has filed this civil rights action 18 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 May 21, 2025, the Magistrate Judge filed findings and
recommendations 21 herein which were served on Plaintiff, and which contained notice to plaintiff
that any 22 objections to the findings and recommendations were to be filed within fourteen 23
days.

The Court observes that this procedure is sufficient to constitute notice to the 24 Plaintiff of the
potential disqualification under 28 U.S.C. 1915(g) as required by 25 Andrews v. King, 398 F.3d
1113, 1120. Plaintiff has not filed objections to the findings 26 and recommendations. 27 The
Court presumes that any findings of fact are correct. See Orand v. United 28 States, 602 F.2d 207,
208 (9th Cir.

1979). The Magistrate Judge's conclusions of law 1 | are reviewed de novo. See Robbins v. Carey,
481 F.3d 1143, 1147 (9th Cir. 2007) 2 | (“[D]eterminations of law by the magistrate judge are
reviewed de novo by both the 3 | district court and [the appellate] court....”).

Having reviewed the file, the Court finds 4 | the findings and recommendations to be supported by
the record and by the proper 5 || analysis. 6 Accordingly, IT IS HEREBY ORDERED that: 7 1. The
findings and recommendations filed May 21, 2025, are adopted in full; 8 2. Plaintiff's application
to proceed in forma pauperis, ECF No. 2, is DENIED 9 | and plaintiff is directed to tender the
filing fee within thirty days of this order; and 10 3.

This matter is referred back to the assigned Magistrate Judge for all further 11 | pretrial
proceedings. 12 13 IT IS SO ORDERED. 14 | Dated: June 24, 2025 “Darel A Ch brett Hon.
Daniel alabretta 1s UNITED STATES DISTRICT JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28