

**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)

OPINION

(PC) Wolinski v. Moeckly

PER CURIAM.

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 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

