

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Daniel Harper v. S. Pohovich, et al.

Harper · No. 2:24-cv-3668-TLN-CKD · Decided September 10, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after Plaintiff Daniel Harper filed no objections. The court dismissed the § 1983 action without prejudice for failure to pay the filing fee and directed the Clerk to close the case.

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	September 10, 2025
DOCKET	2:24-cv-3668-TLN-CKD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, brought a civil-rights action under 42 U.S.C. § 1983. After a magistrate judge issued findings and recommendations recommending disposition of the action, Plaintiff filed no objections. The district court reviewed and adopted the findings and recommendations and dismissed the action without prejudice for failure to pay the filing fee.
STANDARD OF REVIEW	The court presumed any findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	Unknown
PARTIES	Daniel Harper v. S. Pohovich, et al.

TOPICS

- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

- 1. Whether the magistrate judge's findings and recommendations should be adopted when Plaintiff filed no objections.
- 2. Whether the action should be dismissed without prejudice for Plaintiff's failure to pay the filing fee.

HOLDINGS

- 1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and proper legal analysis, and because Plaintiff filed no objections.
- 2. The action was dismissed without prejudice for Plaintiff's failure to pay the filing fee.

KEY QUOTATIONS

- “The magistrate judge’s conclusions of law are reviewed de novo.” (at 1)
- “This action is *DISMISSED* without prejudice for Plaintiff’s failure to pay the filing fee;” (at 1)

FACTUAL BACKGROUND

Daniel Harper was a state prisoner proceeding pro se in a civil-rights action under 42 U.S.C. § 1983. The court's order states that Plaintiff failed to pay the filing fee. Plaintiff did not file objections to the magistrate judge's findings and recommendations.

PROCEDURAL HISTORY

The action was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge filed findings and recommendations on July 9, 2025, which were served on Plaintiff with notice that objections were due within fourteen days. Plaintiff did not object. The district court adopted the findings and recommendations in full, dismissed the action without prejudice for failure to pay the filing fee, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

Pohovich
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 DANIEL HARPER, No. 2:24-cv-3668-TLN-CKD

12 Plaintiff, 13 v. ORDER 14 S. POHOVICH, et al., 15 Defendants. 16 17 Plaintiff Daniel Harper
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 July 9, 2025, the magistrate judge filed findings
21 and recommendations herein 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. 15.) Plaintiff did not file 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 *Robbins*
27 *v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007). Having reviewed the file, the Court finds 27 the
28 findings and recommendations to be supported by the record and by the proper analysis. 28 /// 1
Accordingly, IT IS HEREBY ORDERED as follows: 2 1. The findings and recommendations filed
July 9, 2025 (ECF No. 15) are ADOPTED in 3 full; 4 2. This action is DISMISSED without
prejudice for Plaintiff’s failure to pay the filing 5 fee; and 6 3. The Clerk of the Court is directed to
close this case. 7 Date: September 9, 2025 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
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