

**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.

OPINION

1 2 3 4 5 6 7 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 (“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 July 9, 2025, the magistrate judge filed findings and
recommendations herein 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. 15.) Plaintiff did not file 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 *Robbins*
v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007).

Having reviewed the file, the Court finds 27 the 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
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