

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)