

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**James Oneal Belvins, Jr. v. Placer County District Attorney Office, et  
al.**

No. 2:24-cv-02077-DJC-EFB (PC) (E.D. Cal. May 19, 2025) · No. No. 2:24-cv-02077-DJC-EFB (PC) ·  
Decided May 19, 2025

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**SUMMARY**

The magistrate judge recommends dismissing James Oneal Belvins Jr.'s 42 U.S.C. § 1983 action without prejudice for failure to state a claim. The recommendation follows plaintiff's failure to file an amended complaint after the court dismissed the original complaint and granted leave to amend.

**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 JAMES ONEAL BELVINS, JR., No. 2:24-cv-02077-DJC-EFB (PC) 12  
Plaintiff, 13 v. FINDINGS AND RECOMMENDATIONS 14 PLACER COUNTY DISTRICT  
ATTORNEY OFFICE, et al., 15 Defendants. 16 17 Plaintiff, a county jail inmate, proceeds  
without counsel in an action brought under 42 18 U.S.C. § 1983.

This proceeding was referred to this court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)  
(1). 20 On February 20, 2025, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 21  
1915A. ECF No. 6. The court dismissed the complaint for failure to state a claim and granted 22  
plaintiff thirty days in which to file an amended complaint to cure the deficiencies.

Id. The 23 screening order warned plaintiff that failure to comply could result in a  
recommendation that this 24 action be dismissed. 25 Although it appears from the file that  
plaintiff's copy of the order was returned, plaintiff 26 was properly served. It is the plaintiff's  
responsibility to keep the court apprised of a current 27 address at all times. Pursuant to Local  
Rule 182(f), service of documents at the record address of 28 1 | the party is fully effective.

2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without 3 ||  
prejudice for failure to state a claim. 4 These findings and recommendations are submitted to the  
United States District Judge 5 || assigned to the case, pursuant to the provisions of 28 U.S.C. §  
636(b)(1). Within fourteen days 6 || after being served with these findings and recommendations,  
plaintiff may file written objections 7 || with the court.

The document should be captioned "Objections to Magistrate Judge's Findings 8 || and  
Recommendations." Plaintiff is advised that failure to file objections within the specified 9 || time

may waive the right to appeal the District Court's order. *Martinez v. Yist*, 951 F.2d 1153 10 | (9th Cir. 1991). Data BBE 12 || Dated: May 19, 2025 "lliϕl 7 -LACA EDMUND F. BRENNAN 13 UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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