

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Turner v. Weston, et al.

Turner · No. 2:24-cv-0239-TLN-JDP (P) · Decided April 8, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after Plaintiff Anthony R. Turner filed no objections. The court dismissed the second amended complaint without leave to amend for failure to state a cognizable claim, denied the motion for injunctive relief as moot, and directed the Clerk to close the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 8, 2025
DOCKET	2:24-cv-0239-TLN-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review and adoption of a magistrate judge's findings and recommendations in a civil-rights action under 42 U.S.C. § 1983; plaintiff filed no objections.
STANDARD OF REVIEW	Findings of fact were presumed correct; conclusions of law were reviewed de novo.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Anthony R. Turner v. W. Weston, et al.

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- injunctions
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation
- equitable relief

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when plaintiff filed no objections.
2. Whether the second amended complaint stated a cognizable claim under 42 U.S.C. § 1983.
3. Whether plaintiff's motion for injunctive relief should be denied as moot following dismissal of the action.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after reviewing the record and receiving no objections from plaintiff.
2. The second amended complaint failed to state a cognizable claim and was dismissed without leave to amend.
3. Plaintiff's motion for injunctive relief was denied as moot.

KEY QUOTATIONS

“The magistrate judge’s conclusions of law are reviewed de novo.” (at 1)

“The second amended complaint, (ECF No. 42), is DISMISSED without leave to amend for failure to state a cognizable claim;” (at 2)

FACTUAL BACKGROUND

Anthony R. Turner, a civil detainee proceeding without counsel, brought a civil-rights action under 42 U.S.C. § 1983. The district court reviewed a magistrate judge's findings and recommendations concerning Turner's second amended complaint. The record does not provide the underlying factual allegations because this order addresses adoption of the recommendations and dismissal.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se as a civil detainee, filed a second amended complaint seeking relief under 42 U.S.C. § 1983. A magistrate judge issued findings and recommendations on November 21, 2024, recommending dismissal, and plaintiff did not object. The district court adopted the findings and recommendations in full, dismissed the second amended complaint without leave to amend for failure to state a cognizable claim, denied plaintiff's motion for injunctive relief as moot, and directed the clerk to close the action.

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ANTHONY R. TURNER, Case No. 2:24-cv-0239-TLN-JDP (P) 12 Plaintiff,
13 v. ORDER 14 W. WESTON, et al., 15 Defendants. 16 17 Plaintiff Anthony R. Turner
("Plaintiff"), a civil detainee proceeding pro se, has filed this 18 civil rights action seeking relief
under 42 U.S.C. § 1983.

The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On November 21, 2024, the magistrate judge filed findings and
recommendations 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 (14) days.

This deadline has passed and 23 Plaintiff has not filed 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 See *Robbins v. Carey*, 481
F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the 27 magistrate judge are reviewed
de novo by both the district court and [the appellate] court[.]"). 28 Having reviewed the file, the
court finds the findings and recommendations to be supported by 1 | the record and by the proper
analysis.

2 Accordingly, IT IS HEREBY ORDERED that: 3 1. The findings and recommendations filed on
November 21, 2024, (ECF No. 49), are 4 ADOPTED in full; 5 2. The second amended complaint,
(ECF No. 42), is DISMISSED without leave to 6 amend for failure to state a cognizable claim; 7
3. Plaintiff's motion for injunctive relief, (ECF No. 50), is DENIED as moot; and 8 4.

The Clerk of Court is directed to CLOSE this action. 9 | DATED: April 7, 2025 11 7, 12 TROY L.
NUNLEY 3 CHIEF UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25
26 27 28