

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

Duque v. Davis

Duque · No. 2:25-cv-0905 WBS CSK P · Decided July 10, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The court dismissed the action without prejudice after plaintiff failed to file objections.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JASON ALLEN DUQUE, No. 2:25-cv-0905 WBS CSK P 12 Plaintiff, 13 v.
ORDER 14 DAVIS, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, filed
this civil rights action seeking relief 18 under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On May 21, 2025, the magistrate judge filed findings and
recommendations herein which 21 were served on plaintiff and which contained notice to plaintiff
that any objections to the findings 22 and recommendations were to be filed within fourteen days.

Plaintiff did not file objections to the 23 findings and recommendations. 24 Although it appears
from the file that plaintiff's copy of the findings and 25 recommendations was returned, plaintiff
was properly served. It is the plaintiff's responsibility to 26 keep the court apprised of his current
address at all times. Pursuant to Local Rule 182(f), service 27 of documents at the record address
of the party is fully effective.

28 // 1 The court presumes that any findings of fact are correct. See *Orand v. United States*, 602
2 | F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
3 | See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Having 4 | reviewed the file, the court finds the findings and recommendations to be supported by
the record 5 | and by the magistrate judge's analysis. 6 Accordingly, IT IS HEREBY ORDERED
that: 7 1. The findings and recommendations (ECF No. 8) are adopted in full; and 8 2. This action
is dismissed without prejudice. 9 | Dated: July 9, 2025 Ju Llu 4. 10 WILLIAMB.SHUBB ☐
UNITED STATES DISTRICT JUDGE 12 |] éduqu25cv0905.802 13 14 15 16 17 18 19 20 21 22
23 24 25 26 27 28

