

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Owens v. Brewer

Owens · No. No. 2:22-cv-1765 DJC CSK P · Decided March 24, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after neither party filed objections. The court granted the defendant’s motion to dismiss with prejudice and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	No. 2:22-cv-1765 DJC CSK P
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil rights action under 42 U.S.C. § 1983. After a magistrate judge issued findings and recommendations, the district court reviewed the matter and ruled on defendant's motion to dismiss.
STANDARD OF REVIEW	The court presumed that factual findings were correct and reviewed conclusions of law de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Theon Owens v. A. Brewer

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Federal courts

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when neither party filed objections.
2. What standard of review applies to the magistrate judge's factual findings and legal conclusions.
3. Whether defendant's motion to dismiss should be granted with prejudice.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after determining that they were supported by the record and the magistrate judge's analysis.
2. Defendant's motion to dismiss was granted with prejudice, and the case was closed.

KEY QUOTATIONS

“The Court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge’s conclusions of law are reviewed de novo.” (at 1)

“The findings and recommendations (ECF No. 43) are adopted in full;” (at 2)

“Defendant's motion to dismiss with prejudice (ECF No. 37) is GRANTED.” (at 2)

FACTUAL BACKGROUND

Theon Owens, a former state prisoner proceeding pro se, filed a civil rights action seeking relief under 42 U.S.C. § 1983 against A. Brewer. The opinion does not set out the underlying factual allegations because it adopts the magistrate judge's findings and recommendations without further substantive discussion.

PROCEDURAL HISTORY

The action was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge issued findings and recommendations on February 10, 2025; neither party objected. The district court adopted the findings and recommendations in full, granted defendant's motion to dismiss with prejudice, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 THEON OWENS, No. 2:22-cv-1765 DJC CSK P 12 Plaintiff, 13 v. ORDER

14 A. BREWER, 15 Defendants. 16 17 Plaintiff, a former state prisoner proceeding pro se, filed this civil rights action 18 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 February 10, 2025, the Magistrate Judge filed findings and 21 recommendations herein which were served on all parties and which contained notice 22 to all parties that any objections to the findings and recommendations were to be filed 23 within fourteen days.

Neither party filed objections to the findings and 24 recommendations. 25 The Court presumes that any findings of fact are correct. See *Orand v. United* 26 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge’s conclusions of law 27 are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 28 (9th Cir. 1983).

Having reviewed the file, the Court finds the findings and 1 | recommendations to be supported by the record and by the Magistrate Judge’s 2 | analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The findings and recommendations (ECF No. 43) are adopted in full; 5 2. Defendant's motion to dismiss with prejudice (ECF No. 37) is GRANTED. 6 3.

The Clerk of the Court is directed to close this case. 7 8 IT IS SO ORDERED. 9 | Dated: _March 21, 2025 “Dane A Ch brett Hon. Daniel alabretta 10 UNITED STATES DISTRICT JUDGE 11 12 | 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28