

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

David Wesley Birrell aka Bella-Christina Birrell v. Michele DiTomas,
et al.

Birrell v. DiTomas · No. 2:22-cv-01528-KJM-EFB (PC) · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations, except for the qualified-immunity discussion. The court granted defendants’ motion for summary judgment, directed entry of judgment for defendants, and ordered the case closed.

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	December 17, 2025
DOCKET	2:22-cv-01528-KJM-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations on defendants' motion for summary judgment. No party filed objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's findings of fact correct and reviewed the magistrate judge's conclusions of law de novo under 28 U.S.C. § 636(b)(1)(B).
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.
PARTIES	David Wesley Birrell aka Bella-Christina Birrell v. Michele DiTomas, et al.

TOPICS

- summary judgment
- section 1983
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- federal civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations in the absence of objections.
2. Whether defendants were entitled to summary judgment.

HOLDINGS

1. In the absence of objections, the district court adopted the magistrate judge's findings and recommendations, except for the qualified-immunity discussion on pages 15 through 17.
2. Defendants' motion for summary judgment was granted, and judgment was ordered entered in their favor.

KEY QUOTATIONS

“Having reviewed the file, the court finds the findings and recommendations to be extremely well-written and helpful, and supported by the record and by the proper analysis, without the need to reach the question of qualified immunity.” (at 2)

FACTUAL BACKGROUND

David Wesley Birrell, also identified as Bella-Christina Birrell, proceeded without counsel in a civil rights action seeking relief under 42 U.S.C. § 1983. The order does not describe the underlying incident or merits facts in detail; it states that the magistrate judge's recommendations were supported by the record and proper analysis.

PROCEDURAL HISTORY

Plaintiff brought a pro se civil rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who issued findings and recommendations on November 4, 2025. After no objections were filed, the district court adopted the findings and recommendations except for the qualified-immunity discussion, granted defendants' motion for summary judgment, directed entry of judgment for defendants, and closed the case.

DISPOSITION

other

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

DiTomas
PER CURIAM.

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 DAVID WESLEY BIRRELL, No. 2:22-cv-01528-KJM-EFB (PC)

aka 12 Bella-Christina Birrell, 13 Plaintiff, ORDER 14 v. 15 MICHELE DITOMAS, et al., 16
Defendants. 17 18 Plaintiff proceeds without counsel in this civil rights action seeking relief under
42 U.S.C. 19 § 1983. The matter was referred to a United States Magistrate Judge as provided by
28 U.S.C. 20 § 636(b)(1)(B) and Local Rule 302. 21 On November 4, 2025, the magistrate judge
filed findings and recommendations, which 22 were served on all parties and which contained
notice to all parties that any objections to the 23 findings and recommendations were to be filed
within fourteen days. ECF No. 41. No party has 24 filed objections to the findings and
recommendations. 25 The court presumes that any findings of fact are correct. See *Orand v. United*
States, 26 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
reviewed de 27 novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)
("[D]eterminations of law by 28 the magistrate judge are reviewed de novo by both the district
court and [the appellate] court 1 |"). Having reviewed the file, the court finds the findings and
recommendations to be 2 || extremely well-written and helpful, and supported by the record and by
the proper analysis, 3 || without the need to reach the question of qualified immunity. 4
Accordingly, IT IS HEREBY ORDERED that: 5 1. The findings and recommendations filed
November 4, 2025 are adopted, except for 6 the qualified immunity discussion on pages 15-17: 7
2. Defendants' motion for summary judgment (ECF No. 25) is GRANTED; and 8 3. The Clerk of
Court is directed enter judgment for defendants and close the case. 9 | DATED: December 16,
2025. oUt

STATES DISTRICT JUDGE

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