

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

Creel v. Sacramento County Sheriff Department

Creel · No. 2:24-cv-1533-KJM-SCR · Decided August 1, 2025

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 CHAD MICHAEL CREEL, No. 2:24-cv-1533-KJM-SCR 11 Plaintiff, 12 v.
ORDER 13 SACRAMENTO CO. SHERIFF DEPARTMENT, et al., 14 Defendants. 15 16 17
Plaintiff is proceeding pro se in this matter, which was referred to the magistrate judge 18 under
Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

19 On June 20, 2025, the magistrate judge filed findings and recommendations, which were 20
served on all parties and which contained notice to all parties that any objections to the findings
21 and recommendations were to be filed within fourteen days. ECF No. 20. Neither party has
filed 22 objections to the findings and recommendations. Plaintiff, however, has filed a “third
amended 23 complaint” without asking leave of court or obtaining a stipulation from defendants,
see Fed.

R. 24 Civ. P. 15(a)(1)(B), and before this court had a chance to rule on the magistrate judge’s
findings 25 and recommendations, see ECF No. 22. 26 The court presumes that any findings of
fact are correct. See *Orand v. United States*, 27 602 F.2d 207, 208 (9th Cir. 1979).

The magistrate judge’s conclusions of law are reviewed de 28 novo. See *Robbins v. Carey*, 481
F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by 1 | the magistrate judge are reviewed
de novo by both the district court and [the appellate] 2 || court....”).

Having reviewed the file, the court finds the findings and recommendations to be 3 || supported by
the record and by the proper analysis. In addition, using its inherent powers to 4 || control its own
docket, the court strikes plaintiffs “third amended complaint” for being 5 | improvidently filed.
See *Dinh Nguy v. Cinch Bakery Equip.*, No. 13-2283, 2015 WL 3937887, at 6 || *2 (E.D.

Cal. June 26, 2015) (citing *Anthony v. BTR Auto. Sealing Sys.*, 339 F.3d 506, 516 7 || (6th Cir.
2003)). 8 Accordingly, IT IS HEREBY ORDERED that: 9 1. The findings and recommendations
filed June 20, 2025, are adopted in full; 10 2. Defendant SCSD and Cooper’s motion to dismiss
(ECF No. 12) is granted and the 11 | Monell claims against those defendants are dismissed without
leave to amend; 12 3.

Plaintiffs “Third Amended Complaint” (ECF No. 22) is stricken; and 13 4. Plaintiff is granted
leave to file an Amended Complaint in order to name one or both of 14 || the deputies involved in

the January 8, 2024 incident and clarify the facts underlying his 15 | claims. 16 This order resolves
ECF No. 20. 17 IT IS SO ORDERED. 18 | DATED: July 31, 2025. 20 □ STATES DISTRICT
JUDGE 21 22 23 24 25 26 27 28

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