

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Michella C. Alfaro Brittany v. Westfield Mall

No. 2:24-cv-3394 TLN SCR, United States District Court for the Eastern District of California (September 10, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations after Plaintiff filed no objections. The court dismisses the action without prejudice for failure to pay the filing fee.

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            | September 10, 2025                                                                                                                                                       |
| DOCKET             | 2:24-cv-3394 TLN SCR                                                                                                                                                     |
| DISPOSITION        | dismissed                                                                                                                                                                |
| PROCEDURAL POSTURE | The district court reviewed and adopted the magistrate judge's findings and recommendations after the deadline for objections passed without any objections being filed. |
| STANDARD OF REVIEW | The district court presumed that the magistrate judge's factual findings were correct and reviewed the magistrate judge's legal conclusions de novo.                     |
| PRECEDENTIAL VALUE | Unpublished district court order; precedential status not established in the source metadata.                                                                            |

TOPICS

civil procedure

PRACTICE AREAS

federal civil procedure    magistrate judge review    filing fees

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when no objections were filed.
2. Whether the action should be dismissed without prejudice for failure to pay the filing fee.

#### HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after reviewing the record and receiving no objections.
2. The action was dismissed without prejudice for failure to pay the filing fee.

#### KEY QUOTATIONS

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

*“This action is DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee.”* (at 2)

#### FACTUAL BACKGROUND

Plaintiff Michella C. Alfaro Brittany was proceeding pro se. The magistrate judge issued findings and recommendations, and Plaintiff did not file objections within the fourteen-day deadline. The district court determined that the recommendations were supported by the record and dismissed the action without prejudice because Plaintiff failed to pay the filing fee.

#### PROCEDURAL HISTORY

Plaintiff proceeded pro se, and the matter was referred to a magistrate judge under Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). The magistrate judge issued findings and recommendations on June 13, 2025, which were served on Plaintiff with notice of a fourteen-day objection period. No objections were filed, and the district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to pay the filing fee.

#### 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 MICHELLA C. ALFARO BRITTANY, 12 Plaintiff, No. 2:24-cv-3394 TLN  
SCR 13 v. 14 WESTFIELD MALL, ORDER 15 Defendant. 16 17 Plaintiff Michella C. Alfaro

Brittany (“Plaintiff”) is proceeding pro se in this matter, 18 which was referred to the magistrate judge pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 19 636(b)(1).

20 On June 13, 2025, the magistrate judge filed findings and recommendations, which were 21 served on Plaintiff and which contained notice that any objections to the findings and 22 recommendations were to be filed within fourteen (14) days. (ECF No. 4.)

The deadline has 23 passed, and no objections have been filed. 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 June 13, 2025, (ECF No. 4), are adopted in full; 4 and 5 2. This action is DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee.

6 DATED: September 9, 2025 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28