

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kern v. Ha

Kern · No. No. 2:24-cv-0736 DJC CKD P · Decided August 18, 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 denied Plaintiff James Curtis Kern’s motion for summary judgment and referred the matter back to the assigned Magistrate Judge for further pretrial proceedings.

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	August 18, 2025
DOCKET	No. 2:24-cv-0736 DJC CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding under 42 U.S.C. § 1983, moved for summary judgment. After a magistrate judge issued findings and recommendations recommending disposition of the motion, and no party filed objections, the district court adopted the findings and recommendations, denied the motion, and referred the matter back for further pretrial proceedings.
STANDARD OF REVIEW	Factual findings in the magistrate judge's findings and recommendations were presumed correct; conclusions of law were reviewed de novo.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when no party filed objections.
2. Whether plaintiff's motion for summary judgment should be denied based on the magistrate judge's findings and recommendations.

HOLDINGS

1. The court presumed the magistrate judge's findings of fact correct and reviewed the magistrate judge's conclusions of law de novo.
2. The district court adopted the magistrate judge's findings and recommendations in full.
3. Plaintiff's motion for summary judgment was denied.

KEY QUOTATIONS

"The Magistrate Judge's conclusions of law are reviewed de novo." (at 1)

"Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis." (at 1-2)

FACTUAL BACKGROUND

Plaintiff James Curtis Kern is a state prisoner who filed a civil rights action seeking relief under 42 U.S.C. § 1983 against Ha and other defendants. Kern filed a motion for summary judgment. The order does not provide the underlying factual allegations or the magistrate judge's substantive analysis.

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 filed findings and recommendations on June 20, 2025; neither party objected. The district court reviewed the findings and recommendations, adopted them in full, denied plaintiff's motion for summary judgment, and referred the case back to the magistrate judge for further pretrial proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred back to the assigned magistrate judge for all further pretrial proceedings.

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

(PC) Kern v. Ha

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JAMES CURTIS KERN, No. 2:24-cv-0736 DJC CKD P

12 Plaintiff, 13 v. ORDER 14 HA, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner, has filed
this civil rights action seeking relief under 42 18 U.S.C. § 1983. The matter was referred to a
United States Magistrate Judge pursuant 19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20
On June 20, 2025, the Magistrate Judge filed findings and recommendations 21 herein which were
served on all parties and which contained notice to all parties that 22 any objections to the findings
and recommendations were to be filed within fourteen 23 days. Neither party has filed objections
to the findings and recommendations. 24 The Court presumes that any findings of fact are correct.
See Orand v. United 25 States, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's
conclusions of law 26 are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708
F.2d 452, 454 27 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and 28
recommendations to be supported by the record and by the Magistrate Judge's 1 | analysis. 2
Accordingly, IT IS HEREBY ORDERED that: 3 1. The findings and recommendations filed June
20, 2025 are adopted in full; 4 2. Plaintiff's motion for summary judgment (ECF No. 28) is denied;
and 5 3. This matter is referred back to the assigned Magistrate Judge for all further 6 pretrial
proceedings. 7 8 IT IS SO ORDERED. 9 | Dated: _August 15, 2025 "Dane A Ch brett Hon. Daniel
alabretta

10 UNITED STATES DISTRICT JUDGE

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