

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.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 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 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

