

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Justin M. Thuemler v. Tehama County Jail, et al.

No. No. 2:24-cv-2059 DC CKD P, United States District Court for the Eastern District of California (October 28, 2025)

SUMMARY

A United States Magistrate Judge issued findings and recommendations in Justin M. Thuemler v. Tehama County Jail, et al. The document recommends dismissing the action without prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff did not file a required second amended complaint, and advises that objections may be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 28, 2025
DOCKET	No. 2:24-cv-2059 DC CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice after plaintiff failed to file a second amended complaint by the deadline.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoners rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice after plaintiff failed to file a second amended complaint by the court-ordered deadline.

HOLDINGS

1. The magistrate judge recommended dismissal of the action without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 because plaintiff failed to file the second amended complaint by the deadline.

KEY QUOTATIONS

“Accordingly, *IT IS HEREBY RECOMMENDED* that this action be dismissed without prejudice.” (1)

FACTUAL BACKGROUND

Plaintiff's amended complaint was dismissed with leave to file a second amended complaint. The second amended complaint was due on October 13, 2025, but plaintiff did not file it.

PROCEDURAL HISTORY

On September 11, 2025, the court dismissed plaintiff's amended complaint with leave to amend. Plaintiff's second amended complaint was due October 13, 2025, but he did not file it. The magistrate judge recommended that the action be dismissed without prejudice and advised plaintiff of the fourteen-day objection period.

DISPOSITION

dismissed

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JUSTIN M. THUEMLER, No. 2:24-cv-2059 DC CKD P 12 Plaintiff, 13 v.
14 TEHAMA COUNTY JAIL, et al., FINDINGS AND RECOMMENDATIONS 15 Defendants.
16 17 On September 11, 2025, plaintiff’s amended complaint was dismissed with leave to file a 18
second amended complaint.

The second amended complaint was due on October 13, 2025, and 19 plaintiff has not filed a
second amended complaint. 20 Accordingly, *IT IS HEREBY RECOMMENDED* that this action
be dismissed without 21 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). 22 These findings
and recommendations are submitted to the United States District Judge 23 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 24 after being served with these findings and recommendations, plaintiff
may file written objections 25 with the court. The document should be captioned “Objections to
Magistrate Judge’s Findings 26 and Recommendations.” Plaintiff is advised that failure to file

objections within the specified 27 // 28 // 1 || time waives the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th 2 | Cir. 1991). 3 | Dated: October 27, 2025 Card Kt | / ye ☐☐☐
4 CAROLYNK.DELANEY 5 UNITED STATES MAGISTRATE JUDGE 6 7 8 thue2059 ft 9 10
1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28