

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

**Wesley Yielding, Charles R. Padilla, and Louie Lawrence Smith III v.
United States of America**

Yielding v. United States · No. 2:25-cv-02643-TLN-CKD (PS) · Decided December 10, 2025

OPINION

Wesley Yielding, Charles R. Padilla, and Louie Lawrence Smith III v. United States of America
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 WESLEY YIELDING, et al., No. 2:25-cv-02643-TLN-CKD (PS) 12 Plaintiffs, 13 v.
ORDER 14 UNITED STATES OF AMERICA, et al., 15 Defendants. 16 17 In this action,
plaintiffs Wesley Yielding, Charles R. Padilla, and Louie Lawrence 18 Smith III (“Plaintiffs”),
proceed pro se, seek declaratory and injunctive relief under the 19 Administrative Procedure Act.
The matter was referred to a United States Magistrate Judge 20 pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 21 On November 5, 2025, the magistrate judge filed findings and
recommendations that this 22 case be dismissed for Plaintiffs’ failure to maintain an address with
the Court in compliance with 23 Local Rule 182(f). (ECF No. 13.) Plaintiffs filed objections along
with updated contact 24 information. (ECF Nos. 15 and 18.) 25 On November 12, 2025, the
magistrate judge filed findings and recommendations that this 26 case be dismissed for failure to
state a claim under Federal Rule of Civil Procedure 12. (ECF No. 27 17.) The magistrate judge’s
filings contained notice to Plaintiffs that any objections to the 28 findings and recommendations
were to be filed within fourteen days. (ECF No. 17.) Plaintiffs 1 filed objections to the magistrate
judge’s findings and recommendations (ECF No. 19), including 2 a proposed amended complaint
(ECF No. 19-3). 3 The Court presumes that any findings of fact are correct. See *Orand v. United*
States, 602 4 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are
reviewed de novo. 5 *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007). The Court has
reviewed the file, 6 including Plaintiffs’ objections, and finds the November 12, 2025 findings and
recommendations 7 (ECF No. 17) to be supported by the record and by the magistrate judge’s
analysis. Though 8 Plaintiffs have filed a proposed amended complaint (ECF No. 19-3), it does
not cure the 9 deficiencies of the original complaint (see ECF No. 17 at 3) and fails to state an
actionable federal 10 claim. Plaintiffs have filed various other motions in this action, but without a
viable complaint 11 these materials are moot. 12 Accordingly, IT IS HEREBY ORDERED that:
13 1. As a result of Plaintiffs’ address update, the Court declines to adopt the November 5, 14

2025 findings and recommendations (ECF No. 13); 15 2. The November 12, 2025 findings and recommendations (ECF No. 17) are adopted: the 16 complaint (ECF No. 1) and proposed amended complaint (ECF No. 19-3) are 17 dismissed without prejudice for failure to state a claim; 18 3. Plaintiffs’ motion for temporary restraining order (ECF No. 5) and emergency motion 19 for temporary restraining order (ECF No. 16) are denied; 20 4. The remainder of Plaintiffs’ pending motions are denied as moot, including the 21 motions to seal documents (ECF Nos. 6, 12); motion to e-file (ECF No. 7); motion to 22 reconsider (ECF No. 11); motion to expedite ruling (ECF No. 14); emergency motion 23 for immediate housing trust benefits (ECF No. 20); and request for issuance of 24 summons (ECF No. 22); and 25 5. The Clerk of Court is directed to close this case.

26 // 27 // 28 // 1 IT IS SO ORDERED. 2 || Date: December 9, 2025 □□□

E TROY L. NUNLEY

3 UNITED STATES DISTRICT COURT JUDGE

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