

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Marquise Louis Drumwright v. C. Huckleberry, et al.

Drumwright v. Huckleberry · No. 1:22-cv-01410 JLT SKO (PC) · Decided September 22, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations and dismisses Marquise Louis Drumwright’s 42 U.S.C. § 1983 action without prejudice. The dismissal is based on the plaintiff’s failure to obey local rules, keep the Court apprised of his current address, and prosecute the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 22, 2025
DOCKET	1:22-cv-01410 JLT SKO (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal without prejudice for failure to obey local rules and failure to prosecute.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after conducting de novo review.
2. Whether dismissal without prejudice was appropriate because Plaintiff failed to obey the Local Rules and failed to prosecute the action.

HOLDINGS

1. After conducting de novo review under 28 U.S.C. § 636(b)(1), the district court adopted the findings and recommendations in full.
2. Dismissal without prejudice was appropriate as a terminating sanction for Plaintiff's failure to obey the Local Rules and failure to prosecute.

KEY QUOTATIONS

“failure to file any objections within the specified time may result in the waiver of certain rights on appeal.”
(at 1)

FACTUAL BACKGROUND

Plaintiff pursued a § 1983 civil-rights action but failed to keep the Court apprised of his current address and failed to comply with the Court's Local Rules. The magistrate judge determined that terminating sanctions were appropriate under the factors identified in *Carey v. King* and recommended dismissal without prejudice. Plaintiff did not file objections after being given fourteen days to do so.

PROCEDURAL HISTORY

Plaintiff brought a civil-rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who recommended terminating sanctions and dismissal because Plaintiff failed to keep the Court apprised of his current address and failed to prosecute. After Plaintiff filed no objections within the prescribed period, the district court conducted de novo review, adopted the findings and recommendations in full, dismissed the action without prejudice, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MARQUISE LOUIS DRUMWRIGHT, Case No.: 1:22-cv-01410 JLT SKO
(PC) 12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS

ACTION 13 v. WITHOUT PREJUDICE FOR PLAINTIFF'S FAILURE TO OBEY LOCAL RULES AND 14 C. HUCKLEBERRY, et al., FAILURE TO PROSECUTE 15 Defendants. (Doc.

52) 16 17 Marquise Louis Drumwright seeks to hold defendants liable for violations of his civil 18 rights pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge 19 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 The magistrate judge issued Findings and Recommendations regarding Plaintiff's failure 21 to prosecute the action and failure to comply with the Court's Local Rules, specifically 22 concerning Plaintiff's failure to keep the Court apprised of his current address.

(Doc. 52.) The 23 magistrate judge found terminating sanctions were appropriate after considering the factors 24 identified by the Ninth Circuit in *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). (Id. at 2-5.) 25 Therefore, the magistrate judge recommended the Court dismiss the action without prejudice for 26 Plaintiff's failure to obey the Local Rules and failure to prosecute.

(Id. at 5-6.) 27 The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 52 at 6.) The Court advised him that the "failure to 1 | file any objections within the specified time may result in the waiver of certain rights on appeal." 2 | Ud., citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir.

2014).) Plaintiff did not file 3 | objections, and the time to do so has passed. 4 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 5 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 6 || are supported by the record and proper analysis.

Thus, the Court ORDERS: 7 1. The Findings and Recommendations issued September 2, 2025 (Doc. 52) are 8 ADOPTED in full. 9 2. This action is DISMISSED without prejudice for Plaintiffs failure to obey the Local 10 Rules and failure to prosecute. 11 3.

The Clerk of Court is directed to close this case. 12 B IT IS SO ORDERED. 4 Dated: _ September 22, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28