

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Raynard Davis v. United States of America

Davis v. United States · No. 5:21-cv-1475-CAS (SK) · Decided March 10, 2025

SUMMARY

The United States District Court for the Central District of California accepts a magistrate judge’s Report and Recommendation concerning the defendant’s motion for summary judgment. The court grants the motion in part and denies it in part, vacates the magistrate judge referral, and refers the case for appointment of pro bono counsel to represent the plaintiff on the surviving Federal Tort Claims Act claims.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Christina A. Snyder
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 10, 2025
DOCKET	5:21-cv-1475-CAS (SK)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation addressing Defendant's motion for summary judgment. Because neither side filed timely objections, the court accepted the Report and Recommendation without de novo review, granted the motion in part, denied it in part, and directed further proceedings on the surviving FTCA claims.
STANDARD OF REVIEW	Because no timely objections were filed to the Report and Recommendation, the district court stated that no findings required de novo review and accepted the Report and Recommendation as filed.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status is unknown.

TOPICS

- summary judgment
- civil procedure
- torts

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's Report and Recommendation when neither party filed timely objections.
2. Whether Defendant's motion for summary judgment should be granted in part and denied in part as recommended.
3. Whether the referral to the assigned magistrate judge should be vacated and counsel appointed for Plaintiff on the surviving FTCA claims.

HOLDINGS

1. When neither party files timely objections to a magistrate judge's Report and Recommendation, the district court accepted the Report and Recommendation as filed because no findings required de novo review.
2. Defendant's motion for summary judgment was granted in part and denied in part for the reasons stated in the Report and Recommendation.

KEY QUOTATIONS

“The Court therefore accepts the Report and Recommendation as filed and enters the following orders:”

FACTUAL BACKGROUND

The opinion provides no substantive factual findings about the underlying claims. It identifies surviving claims under the Federal Tort Claims Act and states that the matter will proceed to trial after appointment of counsel.

PROCEDURAL HISTORY

The case was referred to a magistrate judge, who issued a Report and Recommendation to grant in part and deny in part Defendant's motion for summary judgment. Neither party filed timely objections. The district judge accepted the Report and Recommendation, vacated the referral under General Order 05-07, and referred the matter for appointment of pro bono counsel for trial on the surviving FTCA claims.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred to the District's Pro Bono Panel Coordinator for appointment of counsel to represent Plaintiff on the surviving FTCA claims at a trial to be scheduled after appointment. The referral to the assigned Magistrate Judge was vacated, and further proceedings were directed to occur before the District Judge.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 154 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)

OPINION

Raynard Davis v. United States

PER CURIAM.

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

RAYNARD DAVIS Case No. 5:21-cv-1475-CAS (SK) Plaintiff, ORDER ACCEPTING REPORT
v. AND RECOMMENDATION TO

GRANT IN PART AND DENY IN

UNITED STATES OF AMERICA, PART DEFENDANT'S MOTION

Defendants. FOR SUMMARY JUDGMENT Pursuant to 28 U.S.C. § 636, the Court has reviewed the filed Report and Recommendation to grant in part and deny in part Defendant's motion for summary judgment. Neither side has filed any timely objections, so there are no findings in the Report and Recommendation that require de novo review. See Thomas v. Arn, 474 U.S. 140, 154 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). The Court therefore accepts the Report and Recommendation as filed and enters the following orders:

1. Defendant's motion for summary judgment is GRANTED IN PART

and DENIED IN PART for the reasons stated in the Report and Recommendation.

2. Reference to the assigned Magistrate Judge under General Order 05-

07 is VACATED. All further proceedings shall take place before the undersigned District Judge.

3. This case is REFERRED to the District's Pro Bono Panel Coordinator

for the appointment of counsel to represent Plaintiff on the surviving FTCA claims at a trial to be scheduled following that appointment. IT IS SO ORDERED. DATED: March 10, 2025

CHRISTINA A. SNYDER

United States District Judge