

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

|                       |                                                                                                                                                                                                                                                                                                                                                                     |
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| 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)

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