

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bobby Lee Collins v. D. Smith

Collins v. Smith · No. 2:24-cv-01229-TLN-SCR · Decided October 27, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations after Plaintiff Bobby Lee Collins filed no objections. The court dismisses the § 1983 action without prejudice for failure to prosecute and failure to comply with a court order.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 27, 2025
DOCKET	2:24-cv-01229-TLN-SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations in a prisoner civil-rights action after the plaintiff failed to file objections.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Bobby Lee Collins v. D. Smith, et al.

TOPICS

- section 1983
- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when no objections were filed.
2. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with a court order.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after reviewing the record and finding them supported by the record and proper analysis.
2. The action was dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and failure to comply with a court order under Local Rule 110.

FACTUAL BACKGROUND

Bobby Lee Collins, a state prisoner proceeding pro se, filed a civil-rights action seeking relief under 42 U.S.C. § 1983. A magistrate judge issued findings and recommendations and served them on Collins with notice that objections were due within twenty-one days. Collins filed no objections by the deadline.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed an action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who issued findings and recommendations on August 22, 2025, and gave Plaintiff twenty-one days to object. No objections were filed. The district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to prosecute and failure to comply with a court order.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

Bobby Lee Collins v. D. Smith, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 BOBBY LEE COLLINS,

12 Plaintiff, No. 2:24-cv-01229-TLN-SCR 13 v. 14 D. SMITH, et al., ORDER 15 Defendants. 16

17 Plaintiff Bobby Lee Collins (“Plaintiff”), a state prisoner proceeding pro se, filed this civil 18 rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 22, 2025, the magistrate judge filed findings and recommendations which were 21 served on Plaintiff and which contained notice that any objections to the findings and 22 recommendations were to be filed within twenty-one (21) days. (ECF No. 13.) This deadline has 23 passed, and no objections have been filed. 24 The Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. 26 See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 27 magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”). 28 Having reviewed the file, the Court finds the findings and recommendations to be supported by 1 the record and by the proper analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1. The findings and recommendations, (ECF No. 13), are ADOPTED in full; and 4 2. The action is DISMISSED without prejudice for failure to prosecute, Fed. R. Civ. P. 5 41(b), and failure to comply with a court order, Local Rule 110. 6 Date: October 24, 2025 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28