

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kevin Lewis, Jr. v. CDCR CSP SAC, et al.

Lewis v. CDCR CSP SAC · No. 2:24-cv-3001-DC-JDP (PC) · Decided September 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after the plaintiff filed no objections. The court dismissed the § 1983 action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 4, 2025
DOCKET	2:24-cv-3001-DC-JDP (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations in a pro se prisoner's 42 U.S.C. § 1983 action after the plaintiff failed to file objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's findings of fact to be correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Kevin Lewis, Jr. v. CDCR CSP SAC, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights
- pleadings

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- magistrate judge review

QUESTIONS PRESENTED

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

HOLDINGS

1. The district court presumed the magistrate judge's findings of fact to be correct and reviewed the magistrate judge's conclusions of law de novo.
2. The district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.

KEY QUOTATIONS

“This action is DISMISSED without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim for the reasons set forth in the court’s March 3, 2025 order;” (1)

FACTUAL BACKGROUND

Kevin Lewis, Jr., a state prisoner proceeding without counsel, filed a civil rights action seeking relief under 42 U.S.C. § 1983. The magistrate judge issued findings and recommendations, and the plaintiff did not file objections within the prescribed fourteen-day period. The district court determined that the action should be dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who issued findings and recommendations on August 1, 2025. Plaintiff did not object. The district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.

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

(PC) Lewis v. CDCR CSP SAC
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 KEVIN LEWIS, JR., Case No. 2:24-cv-3001-DC-JDP (PC) 12 Plaintiff,

13 v. ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS

14 CDCR CSP SAC, et al., (ECF No. 10) 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 1, 2025, the magistrate judge filed findings and recommendations herein, 21 which were served on plaintiff and contained notice to plaintiff that any objections to the findings 22 and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to 23 the findings and recommendations. 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 proper analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1. The findings and recommendations filed August 1, 2025, (ECF No. 10) are adopted in 4 full; 5 2. This action is DISMISSED without prejudice for failure to prosecute, failure to 6 comply with court orders, and failure to state a claim for the reasons set forth in the 7 court's March 3, 2025 order; and 8 3. The Clerk of the Court is directed to close the case. 9 10

IT IS SO ORDERED. □

12 | Dated: _ September 4, 2025 Qe os Dena Coggins 13 United States District Judge 14 15 16 17
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