

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jacqueline Coleman v. County of Sacramento, et al.

Coleman · No. 2:24-cv-2373 KJM SCR (PS) · Decided August 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in part the magistrate judge’s findings and recommendations. The court dismissed the action without prejudice because the plaintiff failed to pay the filing fee or submit a required in forma pauperis application, and directed the clerk to close the case.

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	August 4, 2025
DOCKET	2:24-cv-2373 KJM SCR (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after plaintiff failed to file objections, and adopted them in part.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

- Whether the district court should adopt the magistrate judge's findings and recommendations when plaintiff filed no objections.

2. Whether the action should be dismissed for plaintiff's failure to pay the required filing fee or submit a completed in forma pauperis application.
3. Whether dismissal should also be based on duplicative litigation after the previously identified duplicative action had already been dismissed.

HOLDINGS

1. The district court presumed the magistrate judge's factual findings correct and reviewed the legal conclusions de novo.
2. A civil action may be dismissed without prejudice when the plaintiff neither pays the required filing fee nor submits the required in forma pauperis application.
3. The court did not dismiss this action as duplicative because the previously identified duplicative action had already been dismissed without prejudice.

KEY QUOTATIONS

"This action is dismissed without prejudice because plaintiff has failed to pay the filing fee or submit an IFP application." (at 1)

FACTUAL BACKGROUND

Plaintiff filed this action without paying the required filing fee and without completing the required in forma pauperis application. The magistrate judge also identified a prior action, *Coleman v. County of Sacramento et al.*, No. 23-2677-DC-CKD, as duplicative, but that prior action was dismissed without prejudice before the district court entered this order. Plaintiff did not object to the magistrate judge's findings and recommendations.

PROCEDURAL HISTORY

Plaintiff proceeded pro se, and the matter was referred to a magistrate judge under 28 U.S.C. § 636(b)(1) and Local Rule 302(c)(21). The magistrate judge issued findings and recommendations on June 16, 2025, recommending dismissal. Plaintiff filed no objections. The district court found the findings and recommendations supported by the record and proper analysis, but modified the dismissal rationale because the action previously identified as duplicative had already been dismissed without prejudice.

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)
- *Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995)
- *Coleman v. County of Sacramento et al.*, No. 23-2677-DC-CKD

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JACQUELINE COLEMAN, No. 2:24-cv-2373 KJM SCR (PS) 12 Plaintiff,
13 v. ORDER 14 COUNTY OF SACRAMENTO, et al., 15 Defendants. 16 17 Plaintiff is
proceeding pro se in this matter, which was referred to the magistrate judge 18 under Local Rule
302(c)(21) and 28 U.S.C. § 636(b)(1).

19 On June 16, 2025, the magistrate judge filed findings and recommendations, which were 20
served on plaintiff and which contained notice to plaintiff that any objections to the findings and
21 recommendations were to be filed within fourteen (14) days. See ECF No. 2. Plaintiff has not
22 filed objections to the findings and recommendations. 23 The court presumes that any findings
of fact are correct.

See *Orand v. United States*, 24 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
conclusions of law are reviewed de 25 novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir.
2007) (“[D]eterminations of law by 26 the magistrate judge are reviewed de novo by both the
district court and [the appellate] court 27....”).

Having reviewed the file, the court finds the findings and recommendations to be 28 supported by
the record and by the proper analysis. However, the court notes the case the 1 || magistrate judge
found to be duplicative of this case, *Coleman v. County of Sacramento et al.*, 2 || No. 23-2677-DC-
CKD (Coleman I), was dismissed without prejudice on July 17, 2025, and 3 || judgment was
entered, see *Coleman I*, ECF Nos. 24-25.

The court therefore only dismisses this 4 | action for plaintiff's failure to pay the required filing
fee, see 28 U.S.C. 1914(a), and for failure to 5 || complete the required in forma pauperis (“IFP”) application,
see 28 U.S.C. §1915(a)(1) (requiring 6 | plaintiff to “submit an affidavit that includes
a statement of all assets... that the person is 7 || unable to pay such fees or give security therefor”);
Olivares v. Marshall, 59 F.3d 109, 112 8 | (9th Cir.

1995) (upholding district court's authority to dismiss a complaint without prejudice for 9 || failure
to pay filing fee). 10 Accordingly, IT IS HEREBY ORDERED that: 11 1. The findings and
recommendations filed June 16, 2025, are adopted in part. 12 2. This action is dismissed without
prejudice because plaintiff has failed to pay the filing 13 | fee or submit an IFP application.

14 3. The clerk of the court is directed to close this case. 15 This order resolves ECF No. 2. 16 IT
IS SO ORDERED. 17 | DATED: August 1, 2025. 19 ☐ ☐ ☐ STATES DISTRICT JUDGE 20 21 22
23 24 25 26 27 28