

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Forrest Kendrid v. Marzan

Kendrid v. Marzan · No. 2:22-cv-02301-TLN-CSK · Decided May 29, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in full. The court dismissed the prisoner’s 42 U.S.C. § 1983 action without prejudice for failure to prosecute and ordered 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	May 29, 2025
DOCKET	2:22-cv-02301-TLN-CSK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending disposition of the prisoner's civil-rights action. Neither party filed objections.
STANDARD OF REVIEW	Findings of fact are presumed correct, while the magistrate judge's conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.
PARTIES	Forrest Kendrid v. Marzan, et al.

TOPICS

prisoners rights section 1983 civil procedure

PRACTICE AREAS

civil rights prisoner litigation federal civil procedure

QUESTIONS PRESENTED

- Whether the magistrate judge's findings and recommendations should be adopted when neither party filed objections.

2. Whether the action should be dismissed without prejudice for failure to prosecute.

HOLDINGS

1. The court adopted the magistrate judge's findings and recommendations in full after reviewing the record and finding them supported by the record and the magistrate judge's analysis.
2. The action was dismissed without prejudice based on Plaintiff's failure to prosecute.

FACTUAL BACKGROUND

Forrest Kendrid, a state prisoner proceeding pro se, brought a civil-rights action seeking relief under 42 U.S.C. § 1983. The action was dismissed without prejudice after the court adopted findings and recommendations based on Plaintiff's failure to prosecute.

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 April 10, 2025. After no objections were filed, the district court adopted the findings and recommendations in full, dismissed the action without prejudice for failure to prosecute, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 FORREST KENDRID, No. 2:22-cv-02301-TLN-CSK 12 Plaintiff, 13 v.
ORDER 14 MARZAN, et al., 15 Defendants. 16 17 Plaintiff Forrest Kendrid (“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 April 10, 2025, the magistrate judge filed findings and
recommendations herein which 21 were served on all parties and which contained notice to all
parties that any objections to the 22 findings and recommendations were to be filed within
fourteen days.

(ECF No. 43.) Neither 23 party filed objections to 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 *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Having reviewed 27 the file, the Court finds the findings and recommendations to be supported by the record and by 28 the magistrate judge's analysis. 1 Accordingly, IT IS HEREBY ORDERED that: 2 1. The findings and recommendations (ECF No. 43) are ADOPTED IN FULL; 3 2. This action is dismissed without prejudice based on plaintiff's failure to prosecute; and 4 3.

The Clerk of the Court is ordered to close the case. 5 IT IS SO ORDERED. 6 Date: May 28, 2025
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28