

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Scott v. Brown

Scott · No. 2:23-cv-2749-TLN-SCR-P · Decided April 8, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after the plaintiff failed to file objections or an amended complaint. The court dismissed the § 1983 action without prejudice for lack of prosecution and failure to comply with a court order, 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	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 8, 2025
DOCKET	2:23-cv-2749-TLN-SCR-P
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 and failed to file an amended complaint as ordered.
STANDARD OF REVIEW	The court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	George Scott v. E. Brown, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when the plaintiff filed neither objections nor the ordered amended complaint.
2. Whether the action should be dismissed without prejudice for lack of prosecution and failure to comply with a court order.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and proper legal analysis, and the plaintiff filed no objections.
2. The action was properly dismissed without prejudice for lack of prosecution and failure to comply with the court's order requiring plaintiff to file an amended complaint.

KEY QUOTATIONS

“This action is DISMISSED, without prejudice, for lack of prosecution and for failure to comply with the Court’s order.” (at 2)

FACTUAL BACKGROUND

George Scott, a state prisoner proceeding pro se, filed an action seeking relief under 42 U.S.C. § 1983. After the magistrate judge issued findings and recommendations, Scott requested an extension of time to file a first amended complaint. The magistrate judge granted sixty days and advised that the findings and recommendations would remain in effect unless Scott filed the amended complaint within that period. Scott filed neither an amended complaint nor objections.

PROCEDURAL HISTORY

Plaintiff 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 December 13, 2024. Plaintiff sought additional time to file a first amended complaint, and the magistrate judge granted sixty days while warning that the findings and recommendations would not be vacated unless plaintiff complied. Plaintiff filed neither an amended complaint nor objections, so the district court adopted the findings and recommendations and dismissed the action 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)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-1261 (9th Cir. 1992)

