

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harper v. Farhat, et al.

Harper · No. 2:24-cv-2644 TLN CSK P · Decided September 10, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations concerning misjoined claims in a prisoner civil rights action under 42 U.S.C. § 1983. The court grants the motion to sever, directs that claims against Defendants Singh and Ekinim be opened as separate actions, and terminates those defendants from the present case. Defendant Farhat is ordered to respond to the second amended complaint within thirty days.

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	September 10, 2025
DOCKET	2:24-cv-2644 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, brought an action involving multiple claims. After a magistrate judge recommended disposition of a motion to sever, the district court reviewed the findings and recommendations because no objections were filed and adopted them in full.
STANDARD OF REVIEW	Factual findings of the magistrate judge were presumed correct; legal conclusions were reviewed de novo.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Darcy Harper v. Alex Farhat, Singh, Ekinim

TOPICS

- joinder
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when no party filed objections.
2. Whether Claim Two against Singh and Claim Three against Ekinim should be severed as misjoined under Federal Rule of Civil Procedure 21.

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 no objections were filed.
2. Claim Two against Singh and Claim Three against Ekinim were severed from the action, and Singh and Ekinim were terminated as defendants in the original case.

KEY QUOTATIONS

“The Court presumes that any findings of fact are correct.” (at 1)

“The magistrate judge’s conclusions of law are reviewed *de novo*.” (at 1)

FACTUAL BACKGROUND

Darcy Harper, a state prisoner proceeding without counsel, filed a civil rights action under 42 U.S.C. § 1983. The action included claims against Alex Farhat, Singh, and Ekinim, and Defendants moved to sever claims the magistrate judge determined were misjoined. The district court adopted the magistrate judge's findings and recommendations, severing the claims against Singh and Ekinim from the claims remaining against Farhat.

PROCEDURAL HISTORY

The magistrate judge issued findings and recommendations on June 17, 2025, recommending that Defendants' motion to sever misjoined claims be granted. The findings and recommendations were served with a fourteen-day objection deadline, but no objections were filed. The district court presumed the factual findings correct, reviewed the legal conclusions *de novo*, adopted the recommendations, severed Claim Two against Singh and Claim Three against Ekinim, terminated Singh and Ekinim from the original action, directed the Clerk to open new cases, and ordered Farhat to respond to the second amended complaint.

DISPOSITION

other

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DARCY HARPER, 12 Plaintiff, No. 2:24-cv-2644 TLN CSK P 13 v. 14
ALEX FARHAT, et al., ORDER 15 Defendants. 16 17 Plaintiff Darcy Harper (“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 June 17, 2025, the magistrate judge filed findings and
recommendations which were 21 served on all parties and which contained notice that any
objections to the findings and 22 recommendations were to be filed within fourteen (14) days.

(ECF No. 33.) 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. 33), are ADOPTED in full; 4 2. Defendants’ motion to
sever Plaintiff’s misjoined claims, (ECF No. 28), is GRANTED; 5 3. Claim Two against
Defendant Singh and Claim Three against Defendant Ekinim are 6 severed from this action, and
Defendants Singh and Ekinim are TERMINATED from this 7 action; 8 4.

The Clerk of the Court is directed to: 9 a. Assign new case numbers to Plaintiff’s Eighth
Amendment claims against 10 Defendants Singh and Ekinim; 11 b. Assign the same magistrate
judge to the new actions in the interest of judicial 12 economy, and make appropriate adjustment
in the assignment of civil cases to 13 compensate for this direct assignment; 14 c. Include the
second amended complaint filed in the instant action, (ECF No. 14), in 15 the newly opened civil
cases; 16 d. Note in the docket for the new civil cases that the filing fee for the new civil cases 17
is waived in accordance with Rule 21 of the Federal Rules of Civil Procedure; 18 e. Update the
docket in Case No. 2:24-cv-2644 to reflect that Defendants Singh and 19 Ekinim have been
terminated as named defendants in this action; 20 5.

Defendant Farhat is ordered to file a response to the second amended complaint in Case 21 No.
2:24-cv-2644 within thirty (30) days of this order. 22 Date: September 9, 2025 23 24 25 26 27 28