

**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.

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