

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Atlas Lifting & Rigging, LLC v. Berner

Atlas Lifting · No. 2:23-cv-0808 KJM AC PS · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after the plaintiff filed no objections. The court dismissed the action against the remaining defendant, Trevor Berner, without prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b) and Local Rule 110, and closed the case.

OPINION

Berner

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ATLAS LIFTING & RIGGING, LLC, No. 2:23-cv-0808 KJM AC PS

12 Plaintiff, 13 v. ORDER

14 TREVOR BERNER and SYNERGY

MARKETING & SALES, INC.,

15 Defendants. 16

17 On October 16, 2025, the magistrate judge filed findings and recommendations, which 18 were served on plaintiff and which contained notice to plaintiff that any objections to the findings 19 and recommendations were to be filed within twenty-one days. ECF No. 29. Plaintiff has not 20 filed objections to the findings and recommendations. 21 Although it appears from the file that plaintiff’s copy of the findings and 22 recommendations was returned, plaintiff was properly served. It is the plaintiff’s responsibility to 23 keep the court apprised of his current address at all times. Under to Local Rule 182(f), service of 24 documents at the record address of the party is fully effective. 25 The court presumes that any findings of fact are correct. See *Orand v. United States*, 26 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de 27 novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by 28 the magistrate judge are reviewed de novo by both the district court and [the appellate] court]). Having reviewed the file, the court finds the findings and recommendations to be 2 || supported by the record and by the proper analysis. 3 Accordingly, IT

IS HEREBY ORDERED that: 4 1. The findings and recommendations filed October 16, 2025, are adopted in full; and 5 2. This action is dismissed as to the sole remaining defendant, Trevor Berner, without 6 || prejudice, for lack of prosecution. See Fed. R. Civ. P. 41(b); Local Rule 110, and this case is 7 || closed. 8 | DATED: December 17, 2025. 10 ane □

STATES DISTRICT JUDGE

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