

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Budd v. Harrison

No. 2:23-cv-2313 KJM CSK P (E.D. Cal. Mar. 14, 2025) · No. 2:23-cv-2313 KJM CSK P · Decided March 17, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after no party filed objections. The court dismissed the prisoner’s 42 U.S.C. § 1983 action without prejudice for failure to prosecute.

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	March 17, 2025
DOCKET	2:23-cv-2313 KJM CSK P
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal of the prisoner civil-rights action. Neither party filed objections.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact correct and reviewed the conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Dante Renee Budd v. J. Harrison, et al.

TOPICS

- civil rights
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. 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 plaintiff's failure to prosecute.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and the magistrate judge's analysis, and no party filed objections.
2. The action was dismissed without prejudice based on plaintiff's failure to prosecute.

KEY QUOTATIONS

“*This action is dismissed without prejudice based on plaintiff's failure to prosecute.*” (at 2)

FACTUAL BACKGROUND

Dante Renee Budd, a state prisoner proceeding without counsel, filed a civil-rights action seeking relief under 42 U.S.C. § 1983. The magistrate judge issued findings and recommendations, and the parties did not file objections within the prescribed fourteen-day period. The district court determined that the findings and recommendations were supported by the record and adopted them in full.

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 January 23, 2025. After no objections were filed, the district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to prosecute.

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)