

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christopher Brick v. Jennifer Cretchen-McCoy, et al.

No. 2:23-cv-02621-TLN-JDP, United States District Court for the Eastern District of California (February 20, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after no objections were filed. The court dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim, 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	February 20, 2025
DOCKET	2:23-cv-02621-TLN-JDP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations after no party filed objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's findings of fact correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Christopher Brick v. Jennifer Cretchen-McCoy, et al.

TOPICS

- civil procedure
- motions to dismiss
- pleadings

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted in the absence of objections.
2. Whether the action should be dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations after reviewing the record and finding them supported by the record and proper analysis.
2. The action was dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.

KEY QUOTATIONS

“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court” (at 1)

FACTUAL BACKGROUND

The action was dismissed based on the reasons stated in the court's November 8, 2024 order. The stated grounds were failure to prosecute, failure to comply with court orders, and failure to state a claim. The order does not provide additional underlying factual details.

PROCEDURAL HISTORY

On January 17, 2025, the magistrate judge issued findings and recommendations recommending disposition of the action. The findings and recommendations were served with notice that objections were due within fourteen days, but no objections were filed. The district court adopted the findings and recommendations, dismissed the action without prejudice, and directed the Clerk to close the case.

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)

OPINION

(PS) Brick v. Cretchen-McCoy

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 CHRISTOPHER BRICK, Case No. 2:23-cv-02621-TLN-JDP 12 Plaintiff, 13 v. ORDER 14
JENNIFER CRETCHEN-MCCOY, et al., 15 Defendants. 16 17 On January 17, 2025, the
magistrate judge filed findings and recommendations herein 18 which were served on the parties
and which contained notice that any objections to the findings 19 and recommendations were to be
filed within fourteen days. No objections were filed. 20 The Court presumes that any findings of
fact are correct. See *Orand v. United States*, 602 21 F.2d 207, 208 (9th Cir. 1979). The magistrate
judge’s conclusions of law are reviewed de novo. 22 See *Robbins v. Carey*, 481 F.3d 1143, 1147
(9th Cir. 2007) (“[D]eterminations of law by the 23 magistrate judge are reviewed de novo by both
the district court and [the appellate] court . . .”). 24 Having reviewed the file, the Court finds the
findings and recommendations to be supported by 25 the record and by the proper analysis. 26
Accordingly, IT IS HEREBY ORDERED that: 27

1. The proposed findings and recommendations filed January 17, 2025 (ECF No. 5) are
28 1 ADOPTED; 2 2. This action is dismissed without prejudice for failure to prosecute, failure to
comply 3 with court orders, and failure to state a claim for the reasons set forth in the court’s
4 November 8, 2024 order. (See ECF No. 3)

5 3. The Clerk of Court is directed to close the case. 6 IT IS SO ORDERED. 7 Date: February 20,
2025 8 Lally 10

TROY L. NUNLEY

11 CHIEF UNITED STATES DISTRICT JUDGE

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