

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| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                            |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)