

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alvarez v. Morris Shea Bridge Company

Alvarez · No. 1:24-cv-01487-KES-BAM · Decided July 24, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Sergio Alvarez’s pro se, in forma pauperis action against Morris Shea Bridge Company with prejudice. The court concluded that plaintiff failed to state a claim and failed to comply with an order requiring an amended complaint or notice of voluntary dismissal. The Clerk was directed to enter judgment and close the case.

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	July 24, 2025
DOCKET	1:24-cv-01487-KES-BAM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1), adopted them, and dismissed the action with prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished
PARTIES	Sergio Alvarez v. Morris Shea Bridge Company

TOPICS

- motions to dismiss
- pleadings
- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the action with prejudice for failure to obey a court order and failure to state a claim should be adopted after de novo review.
2. Whether defendant was required to serve plaintiff before the complaint could be screened or dismissed.

HOLDINGS

1. The court adopted the magistrate judge's findings and recommendations and dismissed the action with prejudice because plaintiff failed to obey the screening order and failed to state a claim upon which relief could be granted.
2. Service on defendant was not required before the court screened and dismissed the complaint, and defendant was not required to serve plaintiff because defendant had not appeared.

KEY QUOTATIONS

“allows a district court to dismiss, sua sponte and prior to service of process, a complaint that fails to state a claim” (at 14)

FACTUAL BACKGROUND

Sergio Alvarez filed a civil action pro se and in forma pauperis. The complaint was screened and found insufficient to state a claim; plaintiff was given the option to file an amended complaint or a notice of voluntary dismissal and was warned that failure to amend could result in dismissal with prejudice. Plaintiff did not amend or otherwise respond, although he later filed objections asserting that he believed defendant should have served him and vaguely referencing a separate retaliation case.

PROCEDURAL HISTORY

Plaintiff filed a civil action proceeding pro se and in forma pauperis. The magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2), found that it failed to state a claim, and ordered plaintiff either to amend or voluntarily dismiss. After plaintiff failed to comply, the magistrate judge recommended dismissal with prejudice for failure to obey a court order and failure to state a claim. Plaintiff objected, but the district court found that the objections did not address the merits and adopted the recommendations in full.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)

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