

**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

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**OPINION**

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA  
9 10 SERGIO ALVAREZ, No. 1:24-cv-01487-KES-BAM 11 Plaintiff, ORDER ADOPTING  
FINDINGS AND RECOMMENDATIONS AND DISMISSING 12 v. CASE 13 MORRIS SHEA  
BRIDGE COMPANY, Doc. 8 14 Defendant. 15 16 Plaintiff Sergio Alvarez proceeds pro se and in  
forma pauperis in this civil action. This 17 matter was referred to a United States magistrate judge  
pursuant to 28 U.S.C. § 636(b)(1)(B) and 18 Local Rule 302.

19 On June 5, 2025, the assigned magistrate judge screened the complaint and found that it 20  
failed to state a claim. Doc. 7. The screening order provided plaintiff with the relevant pleading 21  
standard and ordered plaintiff to either file an amended complaint or a notice of voluntary 22  
dismissal. Id. The screening order also warned plaintiff that if he failed to file an amended 23  
complaint, the assigned magistrate judge would issue findings and recommendations 24  
recommending that the Court dismiss this action with prejudice for failure to obey a court order 25  
and failure to state a claim upon which relief may be granted.

Id. 26 Plaintiff did not file an amended complaint or otherwise respond to the screening order. 27  
Accordingly, on July 14, 2025, the assigned magistrate judge issued findings and 28  
recommendations recommending that this action be dismissed with prejudice for failure to obey a  
1 | court order and failure to state a claim upon which relief may be granted. Doc.

8. The findings 2 | and recommendations were served on plaintiff and contained notice that any  
objections to the 3 | findings and recommendations were to be filed within fourteen (14) days of  
service. □□□ at 7. 4 | Plaintiff filed objections on July 17, 2025. Doc. 9. 5 In accordance with 28  
U.S.C. § 636(b)(1), the Court has conducted a de novo review of 6 | this case.

Having carefully reviewed the file, the Court concludes that the findings and 7 || recommendations  
are supported by the record and proper analysis. 8 Plaintiffs objections state that he believed he  
should have been served by defendant and 9 | vaguely reference a separate retaliation case but do  
not address the merits of the findings and 10 | recommendations or screening order and do not  
request another opportunity to amend his 11 | complaint.

As the assigned magistrate judge explained in the screening order, the Court screens 12 |  
complaints brought by persons proceeding pro se and in forma pauperis. 28 U.S.C. § 1915(e)(2).

13 | Doc. 7 at 1. “Section 1915(e)(2)(B)(i)... allows a district court to dismiss, sua sponte and prior  
14 | to service of process, a complaint that fails to state a claim....” Lopez v. Smith, 203 F.3d 1122,  
15 1130 (9th Cir.

2000) (emphasis added). No service upon defendant was necessary, and as 16 | defendant has not  
made an appearance in this action, defendant was not required to serve plaintiff. 17 | Moreover,  
the docket reflects that the court served the magistrate judge’s screening order and 18 | findings  
and recommendations upon plaintiff on the dates they were issued. 19 Accordingly, 20 1.

The findings and recommendations issued on July 14, 2025, Doc. 8, are adopted in 21 full; 22 2.  
This action is dismissed with prejudice; and 23 3. The Clerk of Court is directed to enter judgment  
and close the case. 24 25 26 | IT IS SO ORDERED. \_ 27 Dated: \_ July 23, 2025 4h | | 38 UNITED  
STATES DISTRICT JUDGE