

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jideofor Ajaelo v. R. Estrada, et al.

Ajaelo · No. 24-cv-2472-AJB-MMP · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of California adopted a magistrate judge’s Report and Recommendation concerning defendants’ motion to dismiss. The court denied dismissal of the plaintiff’s First Amendment retaliation claim against Defendant Alonzo, granted dismissal as to Defendant Estrada with leave to amend, and set deadlines for an amended complaint and responsive pleading.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Anthony J. Battaglia
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 2, 2026
DOCKET	24-cv-2472-AJB-MMP
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation on Defendants' motion to dismiss. Because neither party objected, the court reviewed the R&R for clear error, adopted it in full, denied dismissal of the First Amendment retaliation claim against Alonzo, and granted dismissal of the claim against Estrada with leave to amend.
STANDARD OF REVIEW	When objections are made to a magistrate judge's R&R, the district judge must conduct a de novo determination of the objected-to portions. In the absence of objections, the district judge need only determine whether the record contains clear error on its face.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motions to dismiss
- first amendment
- civil procedure
- free speech

PRACTICE AREAS

civil procedure

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report and Recommendation should be adopted in the absence of party objections.
2. Whether Defendants' motion to dismiss the First Amendment retaliation claim should be denied as to Alonzo.
3. Whether Defendants' motion to dismiss the First Amendment retaliation claim should be granted as to Estrada, with leave to amend.

HOLDINGS

1. When no objections are filed, the district court may accept the magistrate judge's recommendation after satisfying itself that there is no clear error on the face of the record.
2. The motion to dismiss Plaintiff's First Amendment retaliation claim was denied as to Defendant Mario Alonzo.
3. The motion to dismiss Plaintiff's First Amendment retaliation claim was granted as to Defendant R. Estrada, with leave for Plaintiff to file an amended complaint.

KEY QUOTATIONS

“However, in the absence of objection(s), the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”” (at 1)

“GRANTS Defendants’ motion to dismiss Plaintiffs First Amendment retaliation claim as to Defendant Estrada WITH LEAVE TO AMEND;” (at 2)

FACTUAL BACKGROUND

Plaintiff Jideofor Ajalo asserted a First Amendment retaliation claim against Defendants R. Estrada and Mario Alonzo. The opinion does not recount the underlying factual allegations, but resolves Defendants' motion to dismiss as to each defendant.

PROCEDURAL HISTORY

Defendants R. Estrada and Mario Alonzo moved to dismiss Plaintiff's complaint. The matter was referred to Magistrate Judge Michelle M. Pettit, who issued an R&R on January 9, 2026, recommending that the motion be granted in part and denied in part. No party filed objections, and the district court adopted the R&R in its entirety.

DISPOSITION

other

CASES CITED

- United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JIDEOFOR AJAELO, Case No.: 24-cv-2472-AJB-MMP 12 ORDER:
Plaintiff, 13 (1) ADOPTING THE REPORT AND v. 14 RECOMMENDATION (Doc. No. 16); R.
ESTRADA, et al., 15 (2) DENYING MOTION TO DISMISS 16 Defendants. AS TO
DEFENDANT ALONZO (Doc. No. 10); 17 18 (3) GRANTING MOTION TO DISMISS AS TO
DEFENDANT 19 ESTRADA (Doc.

No. 10) 20 21 Before the Court is Defendants R. Estrada and Mario Alonzo's Motion to Dismiss.
22 (Doc. No. 10.) The Court referred this matter to Magistrate Judge Michelle M. Pettit for a 23
Report and Recommendation (the "R&R"), which was issued on January 9, 2026. (Doc. 24 No.
16.)

The Magistrate Judge recommends that Defendants' motion to dismiss be granted 25 in part and
denied in part. (Id. at 1.) The parties were instructed to file written objections 26 to the R&R by
January 26, 2026, and replies by no later than fourteen days after being 27 served with written
objections. (Id. at 14.) 28 1 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set
forth a district 2 ||judge's duties in connection with a magistrate judge's R&R.

The district judge must "make 3 ||a de novo determination of those portions of the report... to
which objection is made[.]" 4 || and "may accept, reject, or modify, in whole or in part, the
findings or recommendations 5 ||made by the magistrate judge." 28 U.S.C. § 636(b)(1); United
States v. Remsing, 874 F.2d 6 ||614, 617 (9th Cir. 1989).

However, in the absence of objection(s), the Court "need only 7 || satisfy itself that there is no clear
error on the face of the record in order to accept the 8 recommendation." Fed. R. Civ. P. 72(b)
advisory committee note to the 1983 amendment; 9 || United States v. Reyna-Tapia, 328 F.3d 1114,
1121 (9th Cir. 2003). 10 Neither party has filed objections to the R&R.

Thus, having reviewed the R&R, the 11 || Court finds it thorough, well-reasoned, and contains no
clear error. Accordingly, the Court 12 || hereby: 13 (1) ADOPTS the R&R in its entirety; 14 (2)
DENIES Defendants' motion to dismiss Plaintiff's First Amendment 15 || retaliation claim as to
Defendant Alonzo; 16 (3) GRANTS Defendants' motion to dismiss Plaintiffs First Amendment 17
retaliation claim as to Defendant Estrada WITH LEAVE TO AMEND; 18 (4) Plaintiff may file an
Amended Complaint consistent with the Magistrate 19 || Judge's R&R by no later than April 3,
2026.

20 (5) Defendants must file a responsive pleading to the operative complaint by no 21 || later than
May 4, 2026. 22 IT IS SO ORDERED. 23 || Dated: February 2, 2026 © 24 Hon, Anthony
J.Battaglia 25 United States District Judge 26 27 28

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