

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gonzalez v. James

Gonzalez · No. 1:23-cv-01505 JLT SAB (PC) · Decided May 23, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of Jaime Cesar Gonzalez’s § 1983 action. The court dismissed the action without prejudice for failure to prosecute and failure to obey court orders 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	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 23, 2025
DOCKET	1:23-cv-01505 JLT SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations recommending dismissal for failure to prosecute. No objections were filed.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Jaime Cesar Gonzalez v. Joon Kee James, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after conducting de novo review under 28 U.S.C. § 636(b)(1).
2. Whether the action should be dismissed without prejudice for failure to prosecute and failure to obey court orders.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and proper analysis.
2. The action was dismissed without prejudice for failure to prosecute and failure to obey the court's orders.

KEY QUOTATIONS

“This matter is DISMISSED without prejudice for failure to prosecute and for failure to obey the Court’s orders.” (at 1)

FACTUAL BACKGROUND

Jaime Cesar Gonzalez, proceeding pro se and in forma pauperis, filed a civil-rights action under 42 U.S.C. § 1983. The magistrate judge found that Gonzalez failed to prosecute the action and failed to obey court orders, and recommended dismissal. The findings and recommendations were served on the parties, but neither party filed objections within the allowed fourteen-day period.

PROCEDURAL HISTORY

Plaintiff brought this pro se, in forma pauperis action under 42 U.S.C. § 1983. On April 22, 2025, the magistrate judge recommended dismissal for failure to prosecute. After the parties failed to object within the prescribed period, the district court conducted de novo review, adopted the findings and recommendations in full, dismissed the action without prejudice for failure to prosecute and failure to obey court orders, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JAIME CESAR GONZALEZ, No. 1:23-cv-01505 JLT SAB (PC) 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS 13 v.
ACTION FOR FAILURE TO PROSECUTE 14 JOON KEE JAMES, et al. (Doc. 31) 15

Defendants. 16 17 Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 18 U.S.C. § 1983.

19 On April 22, 2025, the magistrate judge issued Findings and Recommendations, which 20 concluded that this action should be dismissed for Plaintiff's failure to prosecute this action. 21 (Doc. 31.) The Court served the Findings and Recommendations on the parties and notified them 22 that any objections were due within 14 days. (Doc. 31 at 5.)

The Court advised the parties that 23 the "failure to file objections within the specified time may result in the waiver of certain rights 24 on appeal." (Id. at 5 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)).) 25 Neither party filed objections and the time to do so has passed. 26 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.

27 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 28 are supported by the record and proper analysis. 1 Thus, the Court ORDERS: 2 1. The Findings and Recommendations issued April 22, 2025 (Doc. 31), are 3 ADOPTED in full. 4 2. This matter is DISMISSED without prejudice for failure to prosecute and for 5 failure to obey the Court's orders.

6 3. The Clerk of Court is directed to CLOSE this case. 7 g IT IS SO ORDERED. o | Dated: _ May 23, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28