

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Leroy Veal v. CAL/PIA Meat Plant Supervisor

Veal v. CAL/PIA Meat Plant Supervisor, No. 2:24-cv-01490-EFB (PC) (E.D. Cal. July 17, 2025) · No. 2:24-cv-01490-EFB (PC) · Decided July 17, 2025

SUMMARY

The court recommends dismissing Leroy Veal’s 42 U.S.C. § 1983 action without prejudice because he failed to file an amended complaint after the court dismissed his original complaint with leave to amend. The order also directs the clerk to randomly assign a district judge and explains the procedure and deadline for filing objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 17, 2025
DOCKET	2:24-cv-01490-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se state inmate brought a 42 U.S.C. § 1983 action. After the magistrate judge screened the complaint and dismissed it with leave to amend, the plaintiff failed to amend or otherwise respond. The magistrate judge ordered assignment of a district judge and recommended dismissal without prejudice.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- pleadings
- motions to dismiss
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice after plaintiff failed to amend his complaint or otherwise respond to an order granting leave to amend.
2. Whether the matter should proceed as a recommendation to the assigned district judge under 28 U.S.C. § 636(b)(1).

HOLDINGS

1. Because plaintiff failed to file an amended complaint or otherwise respond after being given leave to amend and warned that noncompliance could result in dismissal, the magistrate judge recommended that the action be dismissed without prejudice.

KEY QUOTATIONS

“Thus, it appears that plaintiff is unable or unwilling to cure the defects in the complaint.” (at 1-2)

“It is further *RECOMMENDED* that this action be *DISMISSED* without prejudice for the reasons stated in the May 13, 2025 screening order.” (at 2)

FACTUAL BACKGROUND

Plaintiff Leroy Veal, a state inmate proceeding without counsel, filed an action under 42 U.S.C. § 1983 against the CAL/PIA Meat Plant Supervisor. The court previously found that the complaint failed to state a claim, dismissed it with leave to amend, and gave plaintiff thirty days to correct the defects. Plaintiff did not file an amended complaint or otherwise respond after the deadline expired.

PROCEDURAL HISTORY

On May 13, 2025, the court screened the complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend within thirty days for failure to state a claim. The screening order warned that failure to comply could result in a recommendation of dismissal. After the amendment deadline passed without a filing or response, the magistrate judge recommended dismissal without prejudice and advised the parties of the fourteen-day objection period under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Veal v. CAL/PIA Meat Plant

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 LEROY VEAL, No. 2:24-cv-01490-EFB (PC) 12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 CAL/PIA MEAT PLANT SUPERVISOR,

15 Defendant. 16

17 Plaintiff, a state inmate, proceeds without counsel in an action brought under 42 U.S.C. § 18
1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 19
636(b)(1). 20 On May 13, 2025, the court screened plaintiff's complaint pursuant to 28 U.S.C. §
1915A. 21 ECF No. 8. The court dismissed the complaint with leave to amend within 30 days for
failure to 22 state a claim. Id. The screening order warned plaintiff that failure to comply could
result in a 23 recommendation that this action be dismissed. 24 The time for acting has now passed
and plaintiff has not filed an amended complaint or 25 otherwise responded to the court's order.
Thus, it appears that plaintiff is unable or unwilling to 26 cure the defects in the complaint. 27 ////
28 ///] Accordingly, it is ORDERED that the Clerk of Court randomly assign a district judge to 2
|| this action. It is further RECOMMENDED that this action be DISMISSED without prejudice for
3 || the reasons stated in the May 13, 2025 screening order. 4 These findings and recommendations
are submitted to the United States District Judge 5 || assigned to the case, pursuant to the
provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 6 || after being served with these
findings and recommendations, any party may file written 7 || objections with the court and serve a
copy on all parties. Such a document should be captioned 8 | "Objections to Magistrate Judge's
Findings and Recommendations." Any response to the 9 || objections shall be served and filed
within fourteen days after service of the objections. The 10 || parties are advised that failure to file
objections within the specified time may waive the right to 11 || appeal the District Court's order.
Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez 12 | v. Yist, 951 F.2d 1153 (9th Cir.
1991). 13 14 | Dated: July 17, 2025 Za! ibttic > DE 44

EDMUND F. BRENNAN

15 UNITED STATES MAGISTRATE JUDGE

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