

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Eswaran v. Newsom

Eswaran · No. 2:25-cv-1003-TLN-JDP (PS) · Decided August 11, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations in full. Plaintiff may proceed only on a First Amendment censorship claim against Defendant Fredrick Radcliffe; all remaining claims are dismissed without leave to amend, and the matter is referred back to the magistrate judge for further pretrial proceedings.

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	August 11, 2025
DOCKET	2:25-cv-1003-TLN-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed the magistrate judge's findings and recommendations after Plaintiff timely filed objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- first amendment
- civil procedure
- pleadings

PRACTICE AREAS

- civil rights
- civil procedure
- constitutional law

QUESTIONS PRESENTED

- Whether the magistrate judge's findings and recommendations should be adopted after review of Plaintiff's timely objections.
- Which claims in Plaintiff's Second Amended Complaint may proceed.

HOLDINGS

- 1. The district court presumes the magistrate judge's findings of fact are correct and reviews the magistrate judge's conclusions of law de novo.
- 2. Plaintiff may proceed with the Second Amended Complaint's First Amendment censorship claim against Defendant Fredrick Radcliffe only.
- 3. Plaintiff's remaining claims are dismissed without leave to amend.

KEY QUOTATIONS

“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court.” (1)

FACTUAL BACKGROUND

The order concerns claims asserted by Suresh Eswaran in a Second Amended Complaint against Gavin Newsom and other defendants. The court's order does not recite the underlying factual allegations in detail. It permits a First Amendment censorship claim against Fredrick Radcliffe to proceed and dismisses the remaining claims without leave to amend.

PROCEDURAL HISTORY

On June 23, 2025, the magistrate judge issued findings and recommendations and provided fourteen days for objections. Plaintiff filed timely objections on July 7, 2025. The district court adopted the findings and recommendations in full, allowed one First Amendment censorship claim to proceed against Fredrick Radcliffe, dismissed the remaining claims without leave to amend, and referred the action back to the magistrate judge for further pretrial matters.

DISPOSITION

other

REMAND INSTRUCTIONS

The action is referred back to the assigned magistrate judge for all further pretrial matters.

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

(PS) Eswaran v. Newsom

PER CURIAM.

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 SURESH ESWARAN,

12 Plaintiff, Case No. 2:25-cv-1003-TLN-JDP (PS) 13 v. 14 GAVIN NEWSOM, et al., ORDER
15 Defendants. 16 17 On June 23, 2025, the magistrate judge filed findings and recommendations
18 which were 18 served on the parties and which contained notice that any objections to the findings
19 and 19 recommendations were to be filed within fourteen days. Plaintiff Suresh Eswaran,
20 (“Plaintiff”) 20 filed timely objections on July 7, 2025, and they were considered by the
undersigned. 21 The Court presumes that any findings of fact are correct. See *Orand v. United*
States, 602 22 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are
reviewed de novo. 23 See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)
24 (“[D]eterminations of law by the 24 magistrate judge are reviewed de novo by both the district
court and [the appellate] court[.]”). 25 Having reviewed the file, the Court finds the findings and
recommendations to be supported by 26 the record and by the proper analysis. 27 Accordingly, IT
IS HEREBY ORDERED that: 28 1. The proposed findings and recommendations filed June 23,
2025, (ECF No. 8), are 1 ADOPTED in full; 2 2. Plaintiff is allowed to proceed with the Second
Amended Complaint’s First Amendment 3 censorship claim against Defendant Fredrick Radcliffe
only; 4 3. Plaintiff’s remaining claims are DISMISSED without leave to amend; and 5 4. This
action is referred back to the assigned magistrate judge for all further pretrial matters. 6 7 8 9 10
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