

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dailey v. Ellis

No. 2:23-cv-0786 TLN CSK P · No. 2:23-cv-0786 TLN CSK P · Decided March 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after Plaintiff Sharon N. Dailey failed to file objections. The court dismissed the § 1983 action for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 31, 2025
DOCKET	2:23-cv-0786 TLN CSK P
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after the plaintiff failed to file objections and dismissed the civil rights action for failure to prosecute.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.

TOPICS

- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when the plaintiff filed no objections.
2. Whether the action should be dismissed for failure to prosecute.

HOLDINGS

1. When reviewing the magistrate judge's findings and recommendations, the district court presumes the factual findings are correct and reviews legal conclusions de novo.
2. The district court adopted the magistrate judge's findings and recommendations in full and dismissed the action for failure to prosecute.

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

Sharon N. Dailey, proceeding pro se, brought a civil rights action seeking relief under 42 U.S.C. § 1983. The magistrate judge issued findings and recommendations, which were served on Dailey with notice that objections were due within fourteen days. Dailey filed no objections by the deadline.

PROCEDURAL HISTORY

Plaintiff Sharon N. Dailey filed a pro se civil rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who filed findings and recommendations on February 18, 2025. After the objection period expired without objections, the district court adopted the findings and recommendations in full and dismissed the action for failure to prosecute.

DISPOSITION

dismissed

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 SHARON N. DAILEY, No. 2:23-cv-0786 TLN CSK P 12 Plaintiff, 13 v.
ORDER 14 JOHN B. ELLIS, et al., 15 Defendants. 16 17 Plaintiff Sharon N. Dailey (“Plaintiff”),
proceeding pro se, filed this civil rights action 18 seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On February 18, 2025, the magistrate judge filed findings and recommendations which were served on plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days.

This deadline has passed, and Plaintiff has not filed any objections. The Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”).

Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis. Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations (ECF No. 23) are ADOPTED in full; and 2. This action is DISMISSED for failure to prosecute. Date: March 28, 2025 TROY L. NUNLEY CHIEF UNITED STATES DISTRICT JUDGE