

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward D. Gilmore v. D. Castillo

Gilmore v. Castillo · No. 1:21-cv-00617 JLT GSA (PC) · Decided September 22, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations granting Defendant's motion for terminating sanctions under Federal Rule of Civil Procedure 37(b)(2)(A)(v). The action was dismissed with prejudice under Rules 37(b)(2)(A)(v) and 41(b), and the Clerk was directed to close the case.

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	September 22, 2025
DOCKET	1:21-cv-00617 JLT GSA (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations granting Defendant's motion for terminating sanctions.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unpublished
PARTIES	Edward D. Gilmore v. D. Castillo

TOPICS

sanctions civil procedure

PRACTICE AREAS

Civil procedure Prisoner civil rights

QUESTIONS PRESENTED

- Whether the district court should adopt the magistrate judge's findings and recommendations concerning Defendant's motion for terminating sanctions.

2. Whether terminating sanctions and dismissal with prejudice were appropriate under Federal Rules of Civil Procedure 37(b)(2)(A)(v) and 41(b).

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis and were adopted in full.
2. The motion for terminating sanctions was granted, and the action was dismissed with prejudice.

KEY QUOTATIONS

“Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.” (at 1)

“This matter is DISMISSED with prejudice.” (at 2)

FACTUAL BACKGROUND

The magistrate judge issued findings and recommendations recommending terminating sanctions against Plaintiff. The district court's order does not detail the underlying conduct beyond identifying the motion as one for terminating sanctions under Federal Rule of Civil Procedure 37(b)(2)(A)(v).

PROCEDURAL HISTORY

The magistrate judge recommended granting Defendant's motion for terminating sanctions under Federal Rule of Civil Procedure 37(b)(2)(A)(v). Plaintiff was served with the findings and recommendations and given 14 days to object, but filed no objections. The district court conducted de novo review under 28 U.S.C. § 636(b)(1)(C), adopted the findings and recommendations in full, granted the motion, and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)

OPINION

Castillo

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 EDWARD D. GILMORE, No. 1:21-cv-00617 JLT GSA (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

13 v. (Doc. 44)

14 D. CASTILLO,

15 Defendant. 16

17 The magistrate judge issued findings and recommendations to grant Defendant’s motion 18 for
terminating sanctions pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(v). (Doc. 44.) 19
The Court served the Findings and Recommendations on Plaintiff and notified him that any 20
objections to the findings and recommendations were due within 14 days. (Id. at 9.) Plaintiff has
21 not filed objections, and the time to do so has passed. 22 According to 28 U.S.C. § 636(b)(1)
(C), this Court performed a de novo review of this 23 case. Having carefully reviewed the matter,
the Court concludes the Findings and 24 Recommendations are supported by the record and proper
analysis. Thus, the Court ORDERS: 25 1. The findings and recommendations issued August 29,
2025 (Doc. 44), are ADOPTED 26 IN FULL. 27 2. Consistent with Federal Rules of Civil
Procedure 37(b)(2)(A)(v) and 41(b); Malone v. 28 United States Postal Service, 833 F.2d 128, 130
(9th Cir. 1987), and Local Rule 110, Defendant’s 1 | motion for terminating sanctions (Doc. 40) is
GRANTED. 2 3. This matter is DISMISSED with prejudice. 3 4. The Clerk of Court is directed to
CLOSE this case. 4 5 IT IS SO ORDERED. 6 Dated: _ September 22, 2025 Cerin | Tower
TED STATES DISTRICT JUDGE

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