

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Johnson v. Nugent

Johnson · No. 1:24-cv-00949 JLT BAM (PC) · Decided May 19, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a prisoner civil-rights action. The court dismissed the action with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute, 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 19, 2025
DOCKET	1:24-cv-00949 JLT BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations recommending dismissal of a prisoner's civil-rights action after the plaintiff failed to amend his complaint, voluntarily dismiss the action, object to the findings and recommendations, or otherwise prosecute the case.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Shawn Pierre Johnson v. Nugent, et al.

TOPICS

- prisoners rights
- section 1983
- sanctions
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner civil rights
- federal civil procedure

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 dismissal with prejudice was warranted for failure to state a claim, failure to obey a court order, and failure to prosecute.

HOLDINGS

1. After de novo review under 28 U.S.C. § 636(b)(1), the district court adopted the findings and recommendations in full because they were supported by the record and proper analysis.
2. Dismissal with prejudice was warranted because Plaintiff failed to state a claim, failed to obey the court's screening order, and failed to prosecute the action.

KEY QUOTATIONS

“This action is DISMISSED with prejudice for Plaintiff's failure to state a claim, failure to obey a court order, and failure to prosecute.” (at 2)

FACTUAL BACKGROUND

Plaintiff was a state prisoner who sought to hold defendants liable for alleged civil-rights violations occurring while he was incarcerated at Kern Valley State Prison. After screening his amended complaint, the magistrate judge determined that Plaintiff had not stated a cognizable claim and gave him an opportunity to cure the deficiencies or voluntarily dismiss the action. Plaintiff failed to respond to the court's order and did not file objections to the recommendation of dismissal.

PROCEDURAL HISTORY

The magistrate judge screened Plaintiff's amended complaint under 28 U.S.C. § 1915A(a), found that it failed to state a cognizable claim, and granted leave to amend or voluntarily dismiss. Plaintiff did neither. The magistrate judge recommended dismissal with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute, and applied the Ninth Circuit's Henderson factors concerning terminating sanctions. After Plaintiff failed to object, the district court conducted de novo review, adopted the findings and recommendations in full, dismissed the action with prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

(PC) Johnson v. Nugent

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SHAWN PIERRE JOHNSON, Case No. 1:24-cv-00949 JLT BAM (PC) 12 Plaintiff,
ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS, DISMISSING THE

13 v. ACTION WITH PREJUDICE, AND

DIRECTING THE CLERK OF COURT TO

14 NUGENT, et al., CLOSE THIS CASE 15 Defendants. (Doc. 13) 16 17 Pierre Johnson is a state
prisoner and seeks to hold the defendants liable for violations of 18 his civil rights while
incarcerated at Kern Valley State Prison. (See generally Doc. 11.) The 19 magistrate judge
screened Plaintiff’s amended complaint pursuant to 20 U.S.C. § 1915A(a). 20 (Doc. 12.) The
magistrate judge found Plaintiff failed to state a cognizable claim and granted him 21 leave to cure
the deficiencies identified by the Court. (Id. at 3-9.) In the alternative, the Court 22 informed
Plaintiff that he could file a notice of voluntary dismissal. (Id. at 9.) 23 After Plaintiff failed to
respond to the Court’s order—either by filing an amended 24 complaint or a voluntary dismissal—
the magistrate judge recommended dismissal. (Doc. 13.) In 25 doing so, the magistrate judge
reiterated the findings that Plaintiff failed to state a cognizable 26 claim. (Id. at 4-9.) In addition,
the magistrate judge round Plaintiff failed to comply with the 27 Court’s screening order and failed
to prosecute the action. (Id. at 9-10.) The magistrate judge 28 considered the factors identified by
the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1 | 1423 (9th Cir. 1986), and found
terminating sanctions are appropriate for Plaintiff's inaction. □□□□ 2 | at 10-11.) Therefore, the
magistrate judge recommended the Court dismiss the action “with 3 | prejudice, for failure to state
a claim, for failure to obey a court order, and for Plaintiff's failure to 4 | prosecute this action.” (Jd.
at 11.) 5 The Court served the Findings and Recommendations on Plaintiff and notified him that 6 |
any objections were due within 14 days. (Doc. 13 at 11.) The Court advised him that the “failure 7
| to file objections within the specified time may result in the waiver of the ‘rights to challenge the
8 | magistrate judge’s factual findings’ on appeal.” (Ud., quoting *Wilkerson v. Wheeler*, 772 F.3d 9
| 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed. 10
According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 11 |
Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 12
| are supported by the record and proper analysis. Thus, the Court ORDERS: 13 1. The Findings
and Recommendations issued on April 22, 2025 (Doc. 13) are 14 ADOPTED in full. 15 2. This
action is DISMISSED with prejudice for Plaintiff's failure to state a claim, 16 failure to obey a
court order, and failure to prosecute. 17 3. The Clerk of Court is directed to close this case. 18 19
IT IS SO ORDERED. 29 | Dated: _May 19, 2025 Charis [Tourn

TED STATES DISTRICT JUDGE

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