

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smiley v. Schultz

Smiley · No. 2:24-cv-01626-KJM-EFB (PC) · Decided June 20, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts in full the magistrate judge’s March 5, 2025 findings and recommendations in this 42 U.S.C. § 1983 action. The court denies the plaintiff’s motion to reopen and directs the Clerk to administratively terminate the pending motion for a temporary restraining order.

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	June 20, 2025
DOCKET	2:24-cv-01626-KJM-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after no party filed objections, adopted them in full, denied plaintiff's motion to reopen, and administratively terminated the pending motion for a temporary restraining order.
STANDARD OF REVIEW	The court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jeremy Jerome Smiley v. Jason Schultz, et al.

TOPICS

- civil procedure
- section 1983
- injunctions

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when no party filed objections.
2. Whether plaintiff's motion to reopen should be denied.
3. Whether the pending motion for a temporary restraining order should be administratively terminated.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full.
2. Plaintiff's October 23, 2024 motion to reopen was denied.
3. The Clerk was directed to administratively terminate plaintiff's pending motion for a temporary restraining order.

KEY QUOTATIONS

“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court” (lines 23-26)

FACTUAL BACKGROUND

Plaintiff Jeremy Jerome Smiley proceeds without counsel in a civil rights action seeking relief under 42 U.S.C. § 1983. He filed a motion to reopen and had a pending motion for a temporary restraining order. The magistrate judge issued findings and recommendations, and no party filed objections.

PROCEDURAL HISTORY

Plaintiff filed this 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 March 5, 2025. No objections were filed, and the district court adopted the findings and recommendations in full, denied plaintiff's October 23, 2024 motion to reopen, and directed the Clerk to administratively terminate the pending motion for a temporary restraining order.

DISPOSITION

other

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

(PC) Smiley v. Schultz

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 JEREMY JEROME SMILEY, No. 2:24-cv-01626-KJM-EFB (PC)

11 Plaintiff, 12 v. ORDER 13 JASON SCHULTZ, et al., 14 Defendants. 15 16 Plaintiff proceeds
without counsel in this civil rights action seeking relief under 42 U.S.C. 17 § 1983. The matter was
referred to a United States Magistrate Judge as provided by 28 U.S.C. 18 § 636(b)(1)(B) and Local
Rule 302. 19 On March 5, 2025, the magistrate judge filed findings and recommendations, which
were 20 served on all parties and which contained notice to all parties that any objections to the
findings 21 and recommendations were to be filed within fourteen days. No party has filed
objections to the 22 findings and recommendations. 23 The court presumes that any findings of
fact are correct. See *Orand v. United States*, 602 24 F.2d 207, 208 (9th Cir. 1979). The magistrate
judge's conclusions of law are reviewed de novo. 25 See *Robbins v. Carey*, 481 F.3d 1143, 1147
(9th Cir. 2007) (“[D]eterminations of law by the 26 magistrate judge are reviewed de novo by both
the district court and [the appellate] court . . .”). 27 Having reviewed the file, the court finds the
findings and recommendations to be supported by 28 the record and by the proper analysis.]
Accordingly, IT IS HEREBY ORDERED that: 2 1. The findings and recommendations filed
March 5, 2025 (ECF No. 24) are adopted in 3 full; 4 2. Plaintiff's October 23, 2024 motion to
reopen (ECF No. 16) is DENIED; and 5 3. The Clerk of Court is directed to administratively
terminate plaintiff's pending motion 6 for a temporary restraining order (ECF No. 17). 7 ||
DATED: June 17, 2025. 9 = j| FVU/ □□□

STATES DISTRICT JUDGE

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