

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Shakazulu Sigidi Kasenzangakhona v. L. Cano, et al.

Kasenzangakhona v. Cano · No. 1:23-cv-01764 JLT SKO · Decided April 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted a magistrate judge’s findings and recommendations recommending dismissal of the plaintiff’s 42 U.S.C. § 1983 claims. The court dismissed the first amended complaint without leave to amend for failure to state a claim 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	Cerin Tower
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 28, 2025
DOCKET	1:23-cv-01764 JLT SKO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 civil-rights action. After a magistrate judge recommended dismissal of the first amended complaint without leave to amend for failure to state a claim, the district court conducted de novo review and adopted the recommendation.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential.
PARTIES	Shakazulu Sigidi Kasenzangakhona v. L. Cano, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Findings and Recommendations after conducting de novo review.
2. Whether the first amended complaint should be dismissed without leave to amend for failure to state a claim upon which relief can be granted.

HOLDINGS

1. The Findings and Recommendations were supported by the record and proper analysis and were adopted in full after de novo review.
2. The first amended complaint failed to state a claim upon which relief could be granted and was dismissed without leave to amend.

KEY QUOTATIONS

“failure to file objections within the specified time may result in waiver of his rights on appeal.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought to hold the defendants liable for alleged civil-rights violations under 42 U.S.C. § 1983. The first amended complaint was found insufficient to state a claim upon which relief could be granted. Plaintiff did not object to the magistrate judge's Findings and Recommendations within the specified period.

PROCEDURAL HISTORY

The matter was referred to a United States magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge issued Findings and Recommendations on April 3, 2025, recommending dismissal without leave to amend. Plaintiff did not file objections within the prescribed period. The district court adopted the Findings and Recommendations in full, dismissed the first amended complaint without leave to amend, terminated pending motions, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

(PC) KasenzangaKhona v. Cano

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SHAKAZULU SIGIDI Case No.: 1:23-cv-01764 JLT SKO

KASENZANGAKHONA,

12 ORDER ADOPTING FINDINGS AND

Plaintiff, RECOMMENDATIONS TO DISMISS FOR

13 FAILURE TO STATE A CLAIM

v. 14 (Doc. 24) L. CANO, et al., 15 Defendants. 16 17 18 Plaintiff seeks to hold defendants liable for violations of his civil rights pursuant to 42 19 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 20 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 The assigned magistrate judge found Plaintiff's first amended complaint failed to state a 22 claim upon which relief could be granted and recommended dismissal without leave to amend. 23 (Doc. 24.) The magistrate judge advised Plaintiff that the "failure to file objections within the 24 specified time may result in waiver of his rights on appeal." (Id. at 14-15, citing Wilkerson v. 25 Wheeler, 772 F.3d 834, 839 (9th Cir. 2014).) More than 14 days have passed, yet no objections 26 have been filed. 27 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and 1 | Recommendations to be supported by the record and proper analysis. Accordingly, the Court 2 | ORDERS: 3 1. The Findings and Recommendations issued on April 3, 2025 (Doc. 24) are 4 ADOPTED in full. 5 2. The first amended complaint is DISMISSED without leave to amend for a failure to 6 state a claim upon which relief can be granted. 7 3. The Clerk of the Court is directed to terminate all pending motions and to close this 8 case. 9 10 IT IS SO ORDERED. Dated: _ April 27, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE

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