

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benjamin Robert Gallegos v. R. Fernandez, et al.

Gallegos v. Fernandez · No. 2:24-cv-2526 DJC CKD P · Decided December 8, 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 under 42 U.S.C. § 1983. The court denied defendants’ motion to dismiss, allowed 14 days to file an answer, and referred the matter back to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 8, 2025
DOCKET	2:24-cv-2526 DJC CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Order adopting a magistrate judge's findings and recommendations and denying defendants' motion to dismiss in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

- motions to dismiss
- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- motion to dismiss

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's October 22, 2025 findings and recommendations where no party filed objections.
2. Whether defendants' motion to dismiss should be denied in light of the magistrate judge's findings and recommendations.

HOLDINGS

1. The district court adopted the October 22, 2025 findings and recommendations in full after reviewing the record and the magistrate judge's analysis.
2. Defendants' motion to dismiss was denied.

FACTUAL BACKGROUND

Plaintiff is a state prisoner who brought a civil-rights action under 42 U.S.C. § 1983 against R. Fernandez and other defendants. The opinion does not set out the underlying factual allegations because it addresses adoption of the magistrate judge's findings and recommendations and the pending motion to dismiss.

PROCEDURAL HISTORY

Plaintiff, a state prisoner, filed a civil-rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who issued findings and recommendations on October 22, 2025. No party filed objections. The district court reviewed the findings and recommendations, adopted them in full, denied defendants' motion to dismiss, granted defendants 14 days to answer, and referred the matter back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants were granted 14 days to file an answer, and the matter was referred back to the assigned magistrate judge.

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

Fernandez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 BENJAMIN ROBERT GALLEGOS, No. 2:24-cv-2526 DJC CKD P

12 Plaintiff, 13 v. ORDER 14 R. FERNANDEZ, et al., 15 Defendants. 16 17 Plaintiff, a state
prisoner, has filed this civil rights action seeking relief under 42 18 U.S.C. § 1983. The matter was
referred to a United States Magistrate Judge pursuant 19 to 28 U.S.C. § 636(b)(1)(B) and Local
Rule 302. 20 On October 22, 2025, the Magistrate Judge filed findings and 21 recommendations
herein which were served on all parties and which contained notice 22 to all parties that any
objections to the findings and recommendations were to be filed 23 within fourteen days. Neither
party has filed objections to the findings and 24 recommendations. 25 The Court presumes that
any findings of fact are correct. See Orand v. United 26 States, 602 F.2d 207, 208 (9th Cir. 1979).
The Magistrate Judge's conclusions of law 27 are reviewed de novo. See Britt v. Simi Valley
Unified School Dist., 708 F.2d 452, 454 28 (9th Cir. 1983). Having reviewed the file, the Court
finds the findings and 1 | recommendations to be supported by the record and by the magistrate
judge's 2 | analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The October 22, 2025,
findings and recommendations are adopted in full; 5 2. Defendants' motion to dismiss (ECF No.
34) is denied; 6 3. Defendants are granted 14 days within which to file an answer; and 7 4, This
matter is referred back to the assigned Magistrate Judge. 8 9 IT IS SO ORDERED. 10 | Dated:
_December 5, 2025 "Daniel A CoD tto— Hon. Daniel alabretta

" UNITED STATES DISTRICT JUDGE

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