

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Laurence Hoke v. M. Nunez, et al.

Hoke v. Nunez · No. 2:25-cv-0275-WBS-JDP (P) · Decided August 5, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Michael Laurence Hoke's 42 U.S.C. § 1983 action. The court adopted the magistrate judge's findings and recommendations and dismissed the action for failure to prosecute, failure to comply with court orders, and failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 5, 2025
DOCKET	2:25-cv-0275-WBS-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after plaintiff failed to file objections.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Michael Laurence Hoke v. M. Nunez, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when plaintiff filed no objections.
2. Whether the action should be dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim.

HOLDINGS

1. The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
2. The action was dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim, for the reasons stated in the April 16, 2025 order.

KEY QUOTATIONS

“The magistrate judge’s conclusions of law are reviewed de novo.” (at 1)

“This action is DISMISSED for failure to prosecute, failure to comply with court orders, and failure to state a claim for the reasons set forth in the April 16, 2025 order;” (at 1)

FACTUAL BACKGROUND

Michael Laurence Hoke, a state prisoner proceeding pro se, brought a civil-rights action seeking relief under 42 U.S.C. § 1983. The magistrate judge issued findings and recommendations after prior court proceedings, and those findings and recommendations were served on Hoke with notice that objections were due within fourteen days. Hoke filed no objections, and the district court found the recommendations supported by the record and proper analysis.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, 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 July 7, 2025, recommending dismissal. Plaintiff did not object. The district court accepted the findings and recommendations, dismissed the action, and directed the Clerk to close the case.

DISPOSITION

dismissed

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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
10 11 CALIFORNIA 12 MICHAEL LAURENCE HOKE, Case No. 2:25-cv-0275-WBS-JDP (P) 12

Plaintiff, 13 v. ORDER 14 M. NUNEZ, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1) (B) and Local Rule 302. 20 On July 7, 2025, the magistrate judge filed findings and recommendations herein which 21 were served on plaintiff, and which contained notice to plaintiff that any objections to the 22 findings and recommendations were to be filed within fourteen days.

Plaintiff has not filed 23 objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See *Orand v. United States*, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. 26 See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 27 magistrate judge are reviewed de novo by both the district court and [the appellate] court....”).

28 Having reviewed the file, the court finds the findings and recommendations to be supported by 1 | the record and by the proper analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1. This action is DISMISSED for failure to prosecute, failure to comply with court 4 orders, and failure to state a claim for the reasons set forth in the April 16, 2025 order; 5 and 6 2.

The Clerk of Court is directed to close the case. 7 || Dated: August 4, 2025 8 oh hha VA, hh.b~E—
9 WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE 10 1] 12 13 14 15 16 17 18 19 20
21 22 23 24 25 26 27 28