

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Melvin Parker, III v. Jeff Lynch, et al.

Parker v. Lynch · No. 2:23-cv-00754-DC-CSK (PC) · Decided November 7, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after no party filed objections. The court dismissed the prisoner’s 42 U.S.C. § 1983 action without prejudice for 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	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 7, 2025
DOCKET	2:23-cv-00754-DC-CSK (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations in a prisoner civil-rights action after no party filed objections.
STANDARD OF REVIEW	Factual findings are presumed correct, while the magistrate judge's legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- sanctions
- section 1983
- prisoners rights

PRACTICE AREAS

- civil rights
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when no party filed objections.

2. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute.

HOLDINGS

1. The district court presumes the magistrate judge's factual findings correct and reviews the magistrate judge's legal conclusions de novo.
2. The action was properly dismissed without prejudice for plaintiff's failure to prosecute.

FACTUAL BACKGROUND

Melvin Parker, III, 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, which were served with notice that objections were due within fourteen days. Neither party filed objections.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed an action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who issued findings and recommendations on October 8, 2025. After the parties failed to object, the district court adopted the findings and recommendations in full and dismissed the action without prejudice for failure to prosecute.

DISPOSITION

dismissed

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

Melvin Parker, III v. Jeff Lynch, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MELVIN PARKER, III, No. 2:23-cv-00754-DC-CSK (PC)

12 Plaintiff,

13 v. ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS

14 JEFF LYNCH, et al., (ECF No. 60) 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, 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 October 8, 2025, the magistrate judge filed findings and recommendations herein, 21 which were served on all parties and contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Neither party 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 *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having 27 reviewed the file, the court finds the findings and recommendations to be supported by the record 28 and by the magistrate judge's analysis. 1 Accordingly, IT IS HEREBY ORDERED that: 2 1. The findings and recommendations (ECF No. 60) are ADOPTED in full; 3 2. This action is dismissed without prejudice due to Plaintiff's failure to prosecute. 4 See Fed. R. Civ. P. 16(f); Local Rule 110; and 5 3. The Clerk of the Court is directed to close this case. 6

7 IT IS SO ORDERED. □

g || Dated: _ November 6, 2025 Dena Coggins 9 United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28