

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tamara King v. State of California

King · No. 2:25-cv-1510-DJC-JDP (PS) · Decided September 8, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the Magistrate Judge’s findings and recommendations after no objections were filed. The court dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim, denied the plaintiff’s request for homeless funding as moot, 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	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 8, 2025
DOCKET	2:25-cv-1510-DJC-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations after no party filed objections, adopted them, dismissed the action without prejudice, denied plaintiff's request for homeless funding as moot, and closed the case.
STANDARD OF REVIEW	The district court presumed that the magistrate judge's factual findings were correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- motions to dismiss
- pleadings

PRACTICE AREAS

- civil procedure
- federal civil rights procedure

QUESTIONS PRESENTED

1. What standard of review applies to the magistrate judge's findings and recommendations when no objections are filed?
2. Whether the magistrate judge's findings and recommendations should be adopted.
3. Whether the action should be dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.
4. Whether plaintiff's request for homeless funding should be denied as moot.

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 court adopted the magistrate judge's findings and recommendations and dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim.
3. Plaintiff's request for homeless funding was denied as moot following dismissal of the action.

KEY QUOTATIONS

“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court” (1)

FACTUAL BACKGROUND

The plaintiff failed to prosecute the action and failed to comply with court orders. The action also failed to state a claim, for the reasons identified in the court's June 5, 2025 order. Plaintiff separately sought homeless funding, but the court denied that request as moot after dismissing the action.

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. On July 30, 2025, the magistrate judge issued findings and recommendations, and the parties did not object within the permitted fourteen-day period. The district court adopted the findings and recommendations and dismissed the action without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim, relying on reasons stated in a June 5, 2025 order.

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
CALIFORNIA 10 11 TAMARA KING, Case No. 2:25-cv-1510-DJC-JDP (PS) 12 Plaintiff, 13 v.
ORDER 14 STATE OF CALIFORNIA, 15 Defendants. 16 17 This matter was referred to a United
States Magistrate Judge pursuant to 28 18 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2025, the Magistrate Judge filed 19 findings and recommendations herein which were
served on the parties and which 20 contained notice that any objections to the findings and
recommendations were to be 21 filed within fourteen days. No objections were filed. 22 The Court
presumes that any findings of fact are correct. See *Orand v. United* 23 *States*, 602 F.2d 207, 208
(9th Cir.

1979). The Magistrate Judge's conclusions of law 24 are reviewed de novo. See *Robbins v. Carey*,
481 F.3d 1143, 1147 (9th Cir. 2007) 25 (“[D]eterminations of law by the magistrate judge are
reviewed de novo by both the 26 district court and [the appellate] court....”).

Having reviewed the file, the Court finds 27 the findings and recommendations to be supported by
the record and by the proper 28 1 || analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1.
The proposed Findings and Recommendations filed July 30, 2025, are 4 ADOPTED; 5 2. This
action is dismissed without prejudice for failure to prosecute, failure to 6 comply with court
orders, and failure to state a claim for the reasons set 7 forth in the court's June 5, 2025 order.

See ECF No. 3; 8 3. Plaintiff's request for homeless funding, ECF No. 4, is DENIED as moot; and
9 4. The Clerk of Court is directed to close the case. 10 14 IT IS SO ORDERED. 12 || Dated:
_September 5, 2025 “Daal A CoO □□□□ Hon. Daniel alabretta 13 UNITED STATES DISTRICT
JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28