

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kern v. Lester

Kern v. Lester · No. 2:24-cv-00740-DC-EFB (PC) · Decided April 7, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed James Curtis Kern’s 42 U.S.C. § 1983 action without prejudice. The court concluded that the claims were barred under Heck v. Humphrey because success would imply the invalidity of Kern’s conviction or sentence, 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	April 7, 2025
DOCKET	2:24-cv-00740-DC-EFB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations de novo after Plaintiff filed objections, adopted the findings and recommendations, and dismissed the § 1983 action without prejudice.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge's findings and recommendations to which objections were made.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	James Curtis Kern v. Katherine Lester, et al.

TOPICS

- section 1983
- prisoners rights
- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- post-conviction relief
- federal habeas corpus

QUESTIONS PRESENTED

1. Whether the prisoner's § 1983 claims were barred under *Heck v. Humphrey* because success would necessarily imply the invalidity of his conviction or sentence.
2. Whether the magistrate judge's findings and recommendations should be adopted after de novo review of the prisoner's objections.

HOLDINGS

1. A prisoner's § 1983 claims are barred when success in the action would necessarily demonstrate the invalidity of the conviction or the duration of confinement, regardless of the relief sought, unless the conviction has already been invalidated. Because Kern's claims challenged his conviction and sentence and he had not shown invalidation, dismissal without prejudice was proper.
2. After conducting de novo review under 28 U.S.C. § 636(b)(1)(C), the district court adopted the findings and recommendations in full because they were supported by the record and proper analysis.

KEY QUOTATIONS

“Accordingly, 1. The findings and recommendations issued on February 20, 2025 (Doc. No. 15) are ADOPTED in full; 2. This action is dismissed without prejudice; and 3. The Clerk of the Court is directed to close this case.” (at 2)

FACTUAL BACKGROUND

James Curtis Kern is a state prisoner who brought a civil rights action under 42 U.S.C. § 1983 challenging aspects of his underlying conviction and sentence. The court determined that success on his claims would imply the invalidity of his conviction, and Kern had not shown that the conviction had been invalidated. Kern stated in his objections that he had filed an appeal to the California Court of Appeal, but his objections did not otherwise meaningfully challenge the magistrate judge's analysis.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed a § 1983 action challenging aspects of his conviction and sentence. The assigned magistrate judge recommended dismissal without prejudice under *Heck v. Humphrey* because success on the claims would imply the invalidity of the conviction and Plaintiff had not shown that the conviction had been invalidated. Plaintiff objected, but the district court concluded that the objections did not meaningfully address the recommendation, adopted it in full, dismissed the action without prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Hebrad v. Nofziger*, 90 F.4th 1000, 1010 (9th Cir. 2024)

- Heck v. Humphrey, 512 U.S. 477 (1994)
- Wilkinson v. Dotson, 544 U.S. 74, 81-82 (2005)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JAMES CURTIS KERN, No. 2:24-cv-00740-DC-EFB (PC) 12 Plaintiff, 13
v. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING 14
KATHERINE LESTER, et al., THIS ACTION 15 Defendants. (Doc. No. 15) 16 17 Plaintiff James
Curtis Kern is a state prisoner proceeding pro se and in forma pauperis in 18 this civil rights action
pursuant to 42 U.S.C. § 1983.

(Doc. No. 1.) In his complaint, Plaintiff 19 challenges various aspects of his underlying conviction
and sentence. (Id.) This matter was 20 referred to a United States Magistrate Judge pursuant to 28
U.S.C. § 636(b)(1)(B) and Local Rule 21 302. 22 On February 20, 2025, the assigned magistrate
judge issued findings and 23 recommendations recommending this action be dismissed without
prejudice because success on 24 Plaintiff's claims would imply the invalidity of his conviction and
Plaintiff had not shown that his 25 conviction had been invalidated.

(Doc. No. 15); see Hebrad v. Nofziger, 90 F.4th 1000, 1010 (9th 26 Cir. 2024) (a prisoner's § 1983
claim is barred under Heck v. Humphrey, 512 U.S. 477 (1994) "if 27 success in th[e] action would
necessarily demonstrate the invalidity of... [the] duration" of a 28 prisoner's confinement "no
matter the relief sought.") (quoting Wilkinson v. Dotson, 544 U.S. 74, 1 | 81-82 (2005)).

The magistrate judge noted Plaintiff may raise his claims in a petition for writ for 2 | habeas corpus
if such a petition is not otherwise barred. (/d. at 3.) 3 The findings and recommendations were
served on Plaintiff and contained notice that any 4 | objections thereto were to be filed within
fourteen (14) days after service. Ud. at 3.)

On February 5 | 26, 2025, Plaintiff filed objections to the pending findings and recommendations.
(Doc. No. 18.) 6 In his objections, Plaintiff does not meaningfully address the magistrate judge's
findings 7 | and recommendations. Instead, Plaintiff continues to challenge his conviction and
sentence and 8 | states he has filed an appeal to the California Court of Appeal. (/d.)

Thus, Plaintiff's objections do 9 | not provide a basis upon which to reject the findings and
recommendations. 10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has
conducted a 11 | de novo review of the case.

Having carefully reviewed the entire file, including Plaintiffs 12 | objections, the court concludes
that the findings and recommendations are supported by the 13 | record and by proper analysis. As
the magistrate judge correctly noted in his findings and 14 | recommendations, Plaintiff may file a
federal habeas petition for writ of habeas corpus if such a 15 || petition is not otherwise barred.

16 Accordingly, 17 1. The findings and recommendations issued on February 20, 2025 (Doc. No.
15) are 18 ADOPTED in full; 19 2. This action is dismissed without prejudice; and 20 3. The
Clerk of the Court is directed to close this case. 21 22 73 IT IS SO ORDERED. □ 24 | Dated: _
April 7, 2025 □□□ Os Dena Coggins 25 United States District Judge 26 27 28 1 2 3 4 5 6 7 8 9 10
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28