

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.

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