

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alexander P. Lees v. Carlos Arce

Lees v. Arce · No. 2:24-cv-03296-TLN-JDP · Decided September 29, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a state prisoner’s 28 U.S.C. § 2254 habeas action. The court dismissed the action without prejudice for failure to prosecute and comply with court orders, denied the respondent’s motion to dismiss as moot, declined to issue a certificate of appealability, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 29, 2025
DOCKET	2:24-cv-03296-TLN-JDP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2254. After the magistrate judge issued findings and recommendations recommending disposition, petitioner filed no objections. The district court adopted the findings and recommendations, dismissed the action without prejudice for failure to prosecute and comply with court orders, and denied respondent's motion to dismiss as moot.
STANDARD OF REVIEW	The court presumed that 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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.
PARTIES	Alexander P. Lees v. Carlos Arce

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when petitioner filed no objections.
2. Whether the habeas action should be dismissed without prejudice for failure to prosecute and comply with court orders.
3. Whether respondent's motion to dismiss should be resolved after dismissal of the action.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. The district court may presume the magistrate judge's findings of fact are correct and review the magistrate judge's legal conclusions de novo; after reviewing the record, the court adopted the findings and recommendations in full.
2. The habeas action was dismissed without prejudice for failure to prosecute and comply with court orders.
3. Respondent's motion to dismiss was denied as moot because the action was dismissed on another procedural ground.
4. The court declined to issue a certificate of appealability.

KEY QUOTATIONS

“*This action is DISMISSED without prejudice for failure to prosecute and comply with court orders;*” (2)

FACTUAL BACKGROUND

Alexander P. Lees was a state prisoner proceeding pro se and filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge issued findings and recommendations, which were served with notice that objections were due within fourteen days. Lees filed no objections.

PROCEDURAL HISTORY

Petitioner filed a state-prisoner habeas petition under 28 U.S.C. § 2254. The matter was referred to a magistrate judge, who issued findings and recommendations on August 26, 2025. Petitioner did not object within the prescribed period, and the district court adopted the findings and recommendations in full, dismissed the action without prejudice, declined to issue a certificate of appealability, and directed entry of judgment and closure of 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)

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