

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Dolores Lucero v. Oak Run Elementary School District, et al.

Lucero v. Oak Run Elementary School District · No. 2:24-cv-02854-DC-SCR · Decided October 28, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered pro se Plaintiff Dolores Lucero to show cause why the action should not be dismissed for failure to file an amended complaint by the court-ordered deadline. The court stated that Plaintiff could respond by filing a compliant First Amended Complaint within 14 days and warned that failure to respond would result in a recommendation of dismissal.

CASE DETAILS

|                       |                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                            |
| WRITING FOR THE COURT | Sean C. Riordan                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                            |
| DECIDED               | October 28, 2025                                                                                                                                                                                               |
| DOCKET                | 2:24-cv-02854-DC-SCR                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The magistrate judge issued an order to show cause after Plaintiff failed to file an amended complaint by the deadline set in the district judge's order dismissing the complaint with limited leave to amend. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                |

TOPICS

- [motion for reconsideration](#)
- [pleadings](#)
- [civil procedure](#)
- [motions to dismiss](#)

PRACTICE AREAS

- [civil procedure](#)
- [civil rights](#)

QUESTIONS PRESENTED

- Whether Plaintiff should be required to show cause why the action should not be dismissed for failure to file an amended complaint in compliance with the court's prior order.

2. Whether the filing of unresolved objections or motions for reconsideration excused Plaintiff's obligation to comply with the amended-complaint deadline.

#### KEY QUOTATIONS

*“The filing of these objections/motions to reconsider, which have not been granted, does not affect Plaintiff’s obligation to comply with the orders and deadlines set by the Court.” (at 2)*

*“Motions to reconsider are “not vehicles permitting the unsuccessful party to ‘rehash’ arguments previously presented.”” (at 2)*

#### FACTUAL BACKGROUND

Plaintiff proceeded pro se. After the court dismissed the complaint, it allowed amendment only as to specified retaliation and class-of-one claims against Defendant Livingston and set a deadline for an amended complaint. Plaintiff did not file an amended complaint, but filed two voluminous submissions apparently seeking objections or reconsideration of prior orders.

#### PROCEDURAL HISTORY

On September 18, 2025, District Judge Dena M. Coggins adopted findings and recommendations and granted a defendant's motion to dismiss. The School Board Defendants were dismissed without leave to amend, while Defendant Livingston was dismissed with leave to amend only as to retaliation and class-of-one claims. Plaintiff did not file an amended complaint by the October 23, 2025 deadline, instead filing two lengthy objections or motions for reconsideration. The court ordered Plaintiff to show cause within 14 days why dismissal should not be recommended and permitted Plaintiff to respond by filing a compliant First Amended Complaint.

#### DISPOSITION

other

#### CASES CITED

- Hill v. Newsom, 2025 WL 1531435, at \*1 (E.D. Cal. May 29, 2025)
- Sch. Dist. No. 1J, Multnomah Cnty., Oregon v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)

#### OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 9 10 DOLORES LUCERO, No. 2:24-cv-02854-DC-SCR 11 Plaintiff, 12 v.  
ORDER TO SHOW CAUSE 13 OAK RUN ELEMENTARY SCHOOL DISTRICT, et al., 14  
Defendants. 15 16 Plaintiff is proceeding in this matter pro se, which is referred to the undersigned  
pursuant 17 to Local Rule 302(c)(21) and 28 U.S.C. § 636.

On September 18, 2025, District Judge Coggins 18 entered an Order (ECF No. 90) adopting the  
Findings and Recommendations (ECF No. 71), and 19 granting Defendant’s motion to dismiss.

The Order dismissed the School Board Defendants 20 without leave to amend claims against those defendants.

The Order also granted Defendant 21 Livingston's motion to dismiss, with leave to amend "only as to the retaliation and class-of-one 22 claims" against Defendant Livingston. ECF No. 90 at 2. The Order granted Plaintiff 30 days to 23 file an amended complaint.

Because the Court served the Order by mail, an amended complaint 24 was due by October 23, 2025.<sup>1</sup> Plaintiff has not filed an amended complaint. 25 //// 26 1 Thirty days after September 18 was Saturday, October 18, making Monday, October 20 the 27 starting point for the deadline. See Fed. R. Civ. P. 6(a)(1)(C).

However, because the Clerk of the Court served the Order by mail, three days were added, making the amended complaint due on 28 October 23. See Fed. R. Civ. P. 6(d). 1 Instead, Plaintiff made two filings apparently objecting to, or seeking reconsideration, of 2 the Order.<sup>2</sup> ECF No. 91 & 93. Motions for reconsideration are "disfavored." See *Hill v. 3 Newsom*, 2025 WL 1531435, \*1 (E.D.

Cal. May 29, 2025). "Generally, reconsideration is 4 appropriate only when controlling law has changed, new evidence has become available, or when 5 necessary to correct a clear error or prevent manifest injustice." *Id.*, citing *Sch. Dist. No. 1J, 6 Multnomah Cnty., Oregon v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Plaintiff's 7 successive and voluminous requests for reconsideration each exceed 100 pages.

ECF No. 91 & 8 93. Motions to reconsider are "not vehicles permitting the unsuccessful party to 'rehash' 9 arguments previously presented." *Hill* at \*1 (internal citation omitted). 10 The filing of these objections/motions to reconsider, which have not been granted, does 11 not affect Plaintiff's obligation to comply with the orders and deadlines set by the Court.

As the 12 Order stated: "If Plaintiff decides not to file a first amended complaint, this action will be 13 dismissed due to Plaintiff's failure to state a cognizable claim." ECF No. 90 at 2. After the 14 resolution of this Order to Show Cause, the Court will address Plaintiff's objections/motions to 15 reconsider. 16 Accordingly, IT IS HEREBY ORDERED that: 17 1.

Plaintiff shall show cause, in writing, within 14 days of the date of this Order, why the 18 Court should not recommend that the action be dismissed for failure to file an amended 19 complaint in compliance with the Order of September 18, 2025 (ECF No. 90). 20 2. Plaintiff may respond by filing a First Amended Complaint that complies with the Court's 21 prior order (ECF No. 90).

22 //// 23 2 However, it is not entirely clear what order or orders Plaintiff is objecting to. Each motion 24 states that it will seek "[a]n order rejecting the Magistrate Judge's Findings and Recommendations (ECF No. 89) issued on September 17, 2025." ECF No. 91 at 2; ECF No. 93 25 at 2.

The Order issued on September 17, 2025, at ECF No. 89, is not a finding and recommendation by the Magistrate Judge, but is an Order from Judge Coggins denying Plaintiff's 26 motion for a preliminary injunction. Plaintiff also states that she challenges ECF No. 82 which she characterizes as an "Order Adopting Findings and Recommendations." ECF No. 93 at 2. 27 However, ECF No. 82 is a minute order issued by the undersigned.

But the substance of Plaintiff's objections appear to relate to the September 18, 2025 Order dismissing the complaint 28 with leave to amend. ] 3. If Plaintiff fails to respond, the court will recommend dismissal of this case. See Fed. R. 2 Civ. P. 41(b); Local Rule 110. 3 SO ORDERED.

4 | DATED: October 27, 2025 SEAN C. RIORDAN 7 UNITED STATES MAGISTRATE JUDGE  
8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28