

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PRECEDENTIAL VALUE	nonprecedential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

1. 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)