

**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

OPINION

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

PER CURIAM.

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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, 2025.¹ 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.² 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

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