

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Huntington v. Sacramento County

Huntington · No. 2:24-cv-0690-JDP (P) · Decided March 18, 2025

SUMMARY

The court recommends dismissing Michael Huntington’s action against Sacramento County without prejudice. The recommendation is based on his failure to prosecute, comply with orders directing him to file an amended complaint, and state a claim. The court also orders that a district judge be assigned and advises the parties of the procedure for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 18, 2025
DOCKET	2:24-cv-0690-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a prisoner civil-rights action for failure to prosecute, failure to comply with court orders, and failure to state a claim.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal as a sanction for failure to prosecute or comply with court orders: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Likely nonprecedential district-court findings and recommendations; no precedential status is stated.
PARTIES	Michael Huntington v. Sacramento County

TOPICS

sanctions

pleadings

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with court orders.
2. Whether the court's warning that noncompliance could result in dismissal satisfied the requirement that less drastic alternatives be considered before imposing dismissal.
3. Whether the action should also be dismissed for failure to state a claim as set forth in the prior screening order.

HOLDINGS

1. A federal court may dismiss an action when a party fails to prosecute, obey a court order, or comply with applicable local rules, including as an exercise of the court's inherent docket-management and sanctioning authority.
2. The balance of the Ninth Circuit's five dismissal factors favored dismissal because plaintiff's noncompliance implicated the public interest in expeditious resolution, the court's need to manage its docket, and the risk of prejudice to defendants, while the prior warning satisfied the requirement to consider less drastic alternatives.

KEY QUOTATIONS

"The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal." (at 1)

"(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives." (at 2)

"Accordingly, I find that the balance of factors weighs in favor of dismissal." (at 3)

FACTUAL BACKGROUND

Michael Huntington failed to file an amended complaint after the court notified him that his original complaint failed to state a claim and granted him thirty days to amend. He also failed to respond to a subsequent order to show cause that expressly warned dismissal could result from continued noncompliance. The court therefore found that plaintiff had not complied with orders directing him to amend and respond.

PROCEDURAL HISTORY

The court screened plaintiff's complaint on January 14, 2025, determined that it failed to state a claim, and granted him thirty days to file an amended complaint. After plaintiff failed to amend or otherwise respond, the

court issued a February 28, 2025 order to show cause and warned that noncompliance could result in dismissal. Plaintiff again failed to respond, leading the magistrate judge to recommend dismissal without prejudice and closure of the case, subject to review by an assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the action be dismissed without prejudice and that the Clerk close the case, subject to objections and review by the assigned district judge.

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL HUNTINGTON, Case No. 2:24-cv-0690-JDP (P) 12 Plaintiff, 13
v. ORDER; FINDINGS AND RECOMMENDATIONS 14 SACRAMENTO COUNTY, 15
Defendant. 16 17 On January 14, 2025, I screened plaintiff’s complaint and notified him that it did
not state 18 a claim. I granted plaintiff thirty days to file an amended complaint.

ECF No. 12. Plaintiff failed 19 to timely file an amended complaint or otherwise to respond to the
court order. Therefore, on 20 February 28, 2025, I ordered plaintiff to show cause why this action
should not be dismissed for 21 his failure to prosecute, failure to comply with court orders, and
failure to state a claim. ECF 22 No. 13. I notified plaintiff that if he wished to continue with this
lawsuit, he must file an 23 amended complaint.

I also warned plaintiff that failure to comply with the February 28, 2025 24 order would result in a
recommendation that this action be dismissed. Id. The deadline for 25 plaintiff to file an amended
complaint and response to the order to show cause has passed without 26 word from plaintiff. 27
The court has the inherent power to control its docket and may, in the exercise of that 28 power,
impose sanctions where appropriate, including dismissal.

Bautista v. Los Angeles Cnty., 1 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party to 2 comply with these Rules or with any order of the Court may be grounds for imposition by the 3 Court of any and all sanctions... within the inherent power of the Court.”). 4 A court may dismiss an action based on a party’s failure to prosecute an action, failure to 5 obey a court order, or failure to comply with local rules.

See Ghazali v. Moran, 46 F.3d 52, 53-54 6 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 7 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order to file an amended 8 complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 9 comply with local rule requiring pro se plaintiffs to keep court apprised of address); Malone v. 10 U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court 11 order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 12 prosecution and failure to comply with local rules). 13 In recommending that this action be dismissed for failure to comply with court orders, I 14 have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 15 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 16 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” 17 Ferdik, 963 F.2d at 1260-61 (citation omitted).

18 Here, plaintiff has failed to respond to court orders directing him to file an amended 19 complaint. See ECF Nos. 12 & 13. Therefore, the public interest in expeditious resolution of 20 litigation, the court’s need to manage its docket, and the risk of prejudice to the defendants all 21 support imposition of the sanction of dismissal. Lastly, the court’s warning to plaintiff that 22 failure to obey court orders will result in dismissal satisfies the “considerations of the 23 alternatives” requirement.

Ferdik, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779 24 F.2d at 1424. The February 28, 2025 order expressly warned plaintiff that his failure to comply 25 with court orders would result in dismissal. ECF No. 13. Plaintiff had adequate warning that 26 dismissal could result from his noncompliance.

Accordingly, I find that the balance of factors 27 weighs in favor of dismissal. 28 1 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this 2 | matter. 3 Further, it is hereby RECOMMENDED that: 4 1. This action be DISMISSED without prejudice for failure to prosecute, failure to 5 || comply with court orders, and failure to state a claim for the reasons set forth in the January 14, 6 | 2025 order.

See ECF No. 12. 7 2. The Clerk of Court be directed to close the case. 8 These findings and recommendations are submitted to the United States District Judge 9 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 10 | service of these

findings and recommendations, any party may file written objections with the court and serve a copy on all parties.

Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 16 1991). 17 18 IT IS SO ORDERED. 19 (q Sty
— Dated: _ March 18, 2025 q—— 20 JEREMY D. PETERSON UNITED STATES
MAGISTRATE JUDGE 22 23 24 25 26 27 28