

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joseph G. Klotz v. T. Miranda, et al.

Klotz v. Miranda · No. 2:25-cv-1273-CKD P · Decided October 27, 2025

SUMMARY

The court notes that plaintiff Joseph G. Klotz did not file an amended complaint or seek additional time after his original complaint was dismissed with leave to amend. The magistrate judge recommends dismissing the action without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110, and advises that objections may be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 27, 2025
DOCKET	2:25-cv-1273-CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice after plaintiff failed to file an amended complaint within the court-ordered period.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 after plaintiff failed to file an amended complaint by the court-ordered deadline.

KEY QUOTATIONS

“In addition, IT IS RECOMMENDED that this action be dismissed without prejudice.” (at 1)

FACTUAL BACKGROUND

The court had previously dismissed plaintiff's complaint and allowed thirty days to file an amended complaint. The deadline passed without plaintiff filing an amended complaint, seeking an extension, or otherwise communicating with the court.

PROCEDURAL HISTORY

The court previously dismissed plaintiff's complaint and granted thirty days leave to amend. Plaintiff did not file an amended complaint, request an extension, or otherwise communicate with the court after the deadline expired. The magistrate judge ordered assignment of a district judge and recommended dismissal without prejudice, subject to objections within fourteen days.

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 s 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JOSEPH G. KLOTZ, No. 2:25-cv-1273-CKD P 12 Plaintiff, 13 v. ORDER
AND 14 T. MIRANDA, et al., FINDINGS & RECOMMENDATIONS 15 Defendants. 16 17 18
By order filed on August 29, 2025 (ECF No. 6), plaintiff's complaint was dismissed and 19 thirty
days leave to file an amended complaint was granted.

The time granted for plaintiff to file 20 an amended complaint has expired and plaintiff has not
filed an amended complaint, sought an 21 extension of time to do so, or otherwise communicated
with a court. 22 Accordingly, IT IS ORDERED that the Clerk of the Court shall assign a district
judge to 23 this case. 24 In addition, IT IS RECOMMENDED that this action be dismissed
without prejudice.

See 25 Local Rule 110; Fed. R. Civ. P. 41(b). 26 These findings and recommendations are
submitted to the United States District Judge 27 assigned to the case, pursuant to the provisions of
28 U.S.C. § 636(b)(l). Within fourteen days 28 after being served with these findings and
recommendations, plaintiff may file written objections 1 | with the court and serve a copy on all
parties.

Such a document should be captioned 2 || “Objections to Magistrate Judge’s Findings and
Recommendations.” Plaintiff is advised that 3 || failure to file objections within the specified time

may waive the right to appeal the District 4 | Court’s order. Martinez v. YIst, 951 F.2d 1153 (9th Cir. 1991). 5 | Dated: October 27, 2025 Cad) ft 4 by ae 7 UNITED STATES MAGISTRATE JUDGE 8 9 8, klot1273.fta 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28