

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wilt v. Pfizer, Inc.

Wilt · No. 2:24-cv-02060 TLN CKD PS · Decided May 8, 2025

SUMMARY

The magistrate judge recommends dismissing Meghan Wilt’s action against Pfizer, Inc. without prejudice because she failed to file an amended complaint or notice of voluntary dismissal within the time allowed. The recommendations were issued under 28 U.S.C. § 636(b)(1), with fourteen days permitted for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 8, 2025
DOCKET	2:24-cv-02060 TLN CKD PS
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge issued findings and recommendations after plaintiff failed to file an amended complaint or notice of voluntary dismissal within the period allowed by the district court.
PRECEDENTIAL VALUE	unknown
PARTIES	Meghan Wilt v. Pfizer, Inc.

TOPICS

- sanctions
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- federal practice

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice after plaintiff failed to comply with the order granting leave to amend and failed to otherwise respond.

HOLDINGS

- 1. The magistrate judge recommended that the action be dismissed without prejudice because plaintiff failed to file an amended complaint or notice of voluntary dismissal by the court-ordered deadline.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Plaintiff's complaint was dismissed, and she was given 28 days to file an amended complaint or a notice of voluntary dismissal. The deadline expired without plaintiff filing either document or otherwise responding to the court's order.

PROCEDURAL HISTORY

On March 12, 2025, the court dismissed plaintiff's complaint and granted 28 days' leave to amend. The court warned that failure to file an amended complaint or notice of voluntary dismissal could result in sanctions, including dismissal. Plaintiff did neither, and the magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 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 MEGHAN WILT, No. 2:24-cv-02060 TLN CKD PS 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 PFIZER, INC., 15 Defendant. 16 17 By order filed
March 12, 2025, plaintiff’s complaint was dismissed and 28 days’ leave to 18 file an amended
complaint was granted. (ECF No. 3.)

Plaintiff was informed that failure to file 19 either an amended complaint or a notice of voluntary
dismissal by the required deadline could 20 result in the imposition of sanctions, including
dismissal. (Id. at 5-6.)

The 28-day period has now 21 expired, and plaintiff has not filed an amended complaint nor
otherwise responded to the court’s 22 order. 23 Accordingly, IT IS HEREBY RECOMMENDED
that this action be dismissed without 24 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). 25

These findings and recommendations are submitted to the United States District Judge 26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 27 after being served with these findings and recommendations, any party may file written 28 objections with the court and serve a copy on all parties. Such a document should be captioned 1 | “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections 2 || within the specified time may waive the right to appeal the District Court’s order.

Martinez v. 3 || Ylst, 951 F.2d 1153 (9th Cir. 1991). 4 | Dated: May 7, 2025 Cardy it | i } a a 5
CAROLYN K DELANEY? 6 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 1]
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