

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Boyd v. Walmart

Boyd · No. 2:24-cv-0275-DJC-JDP (PS) · Decided April 21, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing Diane L. Boyd’s action against Walmart without prejudice because she failed to respond to a motion to dismiss and failed to comply with court orders and local rules. The order vacates the scheduled hearing, recommends denying the motion to dismiss as moot, and advises the parties of their right to object.

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	April 21, 2025
DOCKET	2:24-cv-0275-DJC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss. After plaintiff failed to oppose the motion and failed to comply with an order to show cause and related filing deadline, the magistrate judge vacated the hearing and issued findings and recommendations that the action be dismissed without prejudice.
PRECEDENTIAL VALUE	nonprecedential magistrate judge findings and recommendations; final disposition was not shown in the provided text

TOPICS

- sanctions
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- employment discrimination

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute, failure to comply with the court's local rules, and failure to obey court orders.
2. Whether defendant's pending motion to dismiss should be denied as moot following the recommended dismissal.

HOLDINGS

1. A federal court may dismiss an action as a sanction when a party fails to prosecute, fails to comply with a court order, or fails to comply with applicable local rules. Applying the governing five-factor analysis, dismissal without prejudice was warranted because plaintiff ignored the court's orders after receiving adequate warning.
2. The scheduled hearing on defendant's motion to dismiss should be vacated, and the motion should be denied as moot because dismissal of the action was recommended on separate procedural grounds.

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)

"Therefore, the public interest in expeditious resolution of litigation, the court's need to manage its docket, and the risk of prejudice to the defendant all support imposition of the sanction of dismissal." (at 2)

FACTUAL BACKGROUND

Walmart filed a motion to dismiss, and plaintiff failed to timely oppose it. The court continued the hearing and ordered plaintiff to show cause why sanctions should not be imposed and to file an opposition or statement of non-opposition by April 3, 2025. Plaintiff failed to respond to that order or otherwise communicate with the court, despite a prior warning that failure to comply could result in dismissal.

PROCEDURAL HISTORY

Walmart filed a motion to dismiss. Plaintiff did not timely respond, so the court continued the hearing, ordered plaintiff to show cause why sanctions should not be imposed, and directed plaintiff to file an opposition or statement of non-opposition. Plaintiff did not respond by the deadline despite an express warning that noncompliance could result in dismissal. The magistrate judge recommended dismissal without prejudice, denial of the motion to dismiss as moot, and closure of the case, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

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, 1260-62 (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)

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