

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Theresa Brooke, et al. v. Castle Investments LLC

Case No. 1:25-cv-01194-KES-CDB · No. 1:25-cv-01194-KES-CDB · Decided January 6, 2026

SUMMARY

The United States Magistrate Judge recommends dismissing Theresa Brooke’s action against Castle Investments LLC without prejudice for failure to prosecute and failure to comply with court orders. The recommendation follows Plaintiff’s failure to file dispositional documents or satisfy conditions for a further extension after reporting settlement of claims under the Americans with Disabilities Act and California’s Unruh Civil Rights Act. The parties are given 14 days to file objections.

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	January 6, 2026
DOCKET	1:25-cv-01194-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge issued findings and recommendations recommending dismissal without prejudice for plaintiff's failure to prosecute and failure to comply with court orders and local rules.
STANDARD OF REVIEW	In deciding whether to dismiss for failure to prosecute or failure to obey court orders, the court weighs the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to the defendant, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Theresa Brooke, et al. v. Castle Investments LLC

TOPICS

sanctions

civil procedure

ada / disability

civil rights

PRACTICE AREAS

civil procedure

sanctions

civil rights

disability rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute.
2. Whether plaintiff's failure to comply with the court's order and applicable local rules warranted dismissal under the court's inherent docket-management authority and Local Rules 110 and 160(b).

HOLDINGS

1. A district court may dismiss an action when a party fails to prosecute, obey a court order, or comply with local rules, after weighing the relevant dismissal factors and considering less drastic alternatives.

KEY QUOTATIONS

"In determining whether to dismiss an action for lack of prosecution, the district court is required to weigh several factors: (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 sanctions." (at 2)

"Any failure by Plaintiff to timely comply with this order will result in a recommendation by the undersigned to dismiss this action for Plaintiff's failure to prosecute and failure to comply with a court order." (at 4)

FACTUAL BACKGROUND

Theresa Brooke filed an action against Castle Investments LLC alleging violations of the Americans with Disabilities Act and California's Unruh Civil Rights Act. Following notice of settlement and a declaration that plaintiff's appointed personal representative approved the settlement, the court ordered the parties to file dispositional documents. Plaintiff obtained an extension to December 29, 2025, but failed to file the documents or timely provide the materials required for any further extension.

PROCEDURAL HISTORY

Plaintiff filed an action alleging violations of the Americans with Disabilities Act and California's Unruh Civil Rights Act. After the parties reported a settlement, the court ordered the filing of dispositional documents by December 4, 2025. The court granted plaintiff an extension to December 29, 2025, but plaintiff failed to file the dispositional documents or the materials required to seek another extension. The magistrate judge therefore recommended dismissal without prejudice and closure of the case, subject to a 14-day objection period and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles Cnty.*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
- *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006)
- *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
 CALIFORNIA 10 11 THERESA BROOKE, et al., Case No. 1:25-cv-01194-KES-CDB 12
 Plaintiffs, FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION WITHOUT
 PREJUDICE 13 v. FOR PLAINTIFF’S FAILURE TO PROSECUTE AND TO OBEY COURT
 ORDERS 14 CASTLE INVESTMENTS LLC, (Doc. 16) 15 Defendant. 14-DAY OBJECTION
 PERIOD 16 17 Relevant Background 18 Plaintiff Theresa Brooke (“Plaintiff”) initiated this action
 with the filing of a complaint 19 against Defendant Castle Investments LLC (“Defendant”),
 alleging violations of the Americans 20 with Disabilities Act (“ADA”) and California’s Unruh
 Civil Rights Act (“Unruh Act”).

(Doc. 1). 21 On November 18, 2025, following the filing by counsel for Plaintiff of a notice
 regarding 22 settlement and declaration that Plaintiff’s appointed personal representative approved
 the 23 settlement of this case, the Court directed the parties to file dispositional documents no later
 than 24 December 4, 2025, and vacated all other case management dates, conferences, and filing
 25 requirements.

(Doc. 13) (citing Local Rule 160(b)). 26 On the deadline to file dispositional documents, Plaintiff
 filed a motion for three-week 27 extension of time to make the filing. (Doc. 15). The following
 day, the Court granted Plaintiff’s 28 request to extend time to file dispositional documents to
 December 29, 2025. (Doc. 16). Plaintiff 1 was admonished that no further extensions of the
 deadline to file dispositional documents would 2 be granted absent the timely filing of (1) a notice
 of appearance by counsel for Defendant, and (2) 3 a declaration of counsel for Plaintiff
 demonstrating extraordinary circumstances unrelated to the 4 parties’ performance under any
 private settlement agreement in this matter that warrants any further 5 extension.

Id. Plaintiff was forewarned that any failure to timely comply with this order would 6 result in a
 recommendation by the undersigned to dismiss this action for Plaintiff’s failure to 7 prosecute and
 failure to comply with a court order. Id. 8 As Plaintiff has failed to file dispositional documents or
 otherwise comply with the Court’s 9 order in seeking a further extension of the deadline by timely

filing a notice of appearance by 10 counsel for Defendant and a declaration of counsel for Plaintiff demonstrating extraordinary 11 circumstances, and the deadline to do so has passed, for the reasons below, the undersigned will 12 recommend that the Court dismiss this action without prejudice.

13 Governing Legal Standards 14 Local Rule 110, corresponding with Federal Rule of Civil Procedure 11, provides that 15 “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may 16 be grounds for imposition by the Court of any and all sanctions... within the inherent power of 17 the Court.” Local Rule 110.

The Court has the inherent power to control its docket and may, in 18 the exercise of that power, impose sanctions where appropriate, including dismissal of the action. 19 *Bautista v. Los Angeles Cnty.*, 216 F.3d 837, 841 (9th Cir. 2000). A court may dismiss an action 20 based on a party’s failure to prosecute an action, obey a court order, or comply with local rules.

21 See, e.g., *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to 22 comply with a court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 23 130-31 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 24 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local 25 rules).

26 “In determining whether to dismiss an action for lack of prosecution, the district court is 27 required to weigh several factors: (1) the public’s interest in expeditious resolution of litigation; (2) 28 the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public 1 policy favoring disposition of cases on their merits; and (5) the availability of less drastic 2 sanctions.” *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.

1988) (internal quotation marks & 3 citation omitted). These factors guide a court in deciding what to do and are not conditions that 4 must be met in order for a court to take action. In re Phenylpropanolamine (PPA) Products 5 Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006) (citation omitted). 6 Separately, Local Rule 160(b) provides that a party’s “failure to file dispositional papers on 7 the date prescribed by the Court may be grounds for sanctions.” Local Rule 160(b).

8 Discussion 9 Here, Plaintiff has failed to comply with the Court’s orders and Local Rules. Plaintiff has 10 failed to file dispositional documents by the December 29, 2025, deadline or to otherwise comply 11 with the Court’s order in seeking an extension of the deadline to do so, and the time to do so has 12 passed. There are no other reasonable alternatives available to address Plaintiff’s failure to respond 13 and otherwise obey this Court’s orders.

Thus, the first and second factors—the expeditious 14 resolution of litigation and the Court’s need to manage its docket—weigh in favor of dismissal. 15 *Carey*, 856 F.2d at 1440. 16 The third factor,

risk of prejudice to Defendant, also weighs fairly in favor of dismissal 17 since a presumption of injury arises from the occurrence of unreasonable delay in prosecuting an 18 action.

See *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). This matter cannot proceed 19 further without Plaintiff's participation to prosecute the case and file dispositional documents as 20 ordered following Plaintiff's filing of a notice of settlement. (Docs. 13, 16).

The presumption of 21 injury holds given Plaintiff's unreasonable delay in prosecuting this action. Thus, the third factor— 22 a risk of prejudice to the Defendant—also weighs in favor of dismissal. *Carey*, 856 F.2d at 1440. 23 The fourth factor usually weighs against dismissal because public policy favors disposition 24 on the merits. *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir.

2002). However, "this factor 25 lends little support to a party whose responsibility it is to move a case toward disposition on the 26 merits but whose conduct impedes progress in that direction." In *re PPA*, 460 F.3d at 1228. 27 Plaintiff has not moved this case forward toward disposition on the merits. Plaintiff has instead 28 failed to comply with this Court's orders, the Federal Rules of Civil Procedure, and the Local Rules, 1 and by doing so, is impeding the progress of this action.

Therefore, the fourth factor — the public 2 policy favoring disposition of cases on their merits — also weighs in favor of dismissal. *Carey*, 3 856 F.2d at 1440. 4 Finally, the Court's warning to a party that failure to obey the court's order will result in 5 dismissal satisfies the "considerations of the alternatives" requirement. *Ferdik*, 963 F.2d at 1262. 6 Here, the Court's order granting additional time for Plaintiff to file dispositional documents or to 7 comply in seeking any further extension thereto, cautioned: "Any failure by Plaintiff to timely 8 comply with this order will result in a recommendation by the undersigned to dismiss this action 9 for Plaintiff's failure to prosecute and failure to comply with a court order." (Doc.

16). 10 Plaintiff was adequately forewarned that the failure to timely comply with the Court's order 11 could result in terminating sanctions. Because Plaintiff has failed to comply with this Court's 12 orders and in so doing is failing to prosecute their case, the undersigned will recommend dismissal 13 of this action. 14 15 16 Remainder of This Page Intentionally Left Blank
17 18 19 20 21 22 23 24 25 26 27 28 1 Conclusion, Order, and Recommendation 2 For the reasons set forth above, IT IS RECOMMENDED as follows: 3 1.

The Court DISMISS this action without prejudice for Plaintiff's failure to prosecute this 4 action and to comply with the Court's orders and Local Rules. See Local Rules 110, 160(b); 5 and 6 2. The Clerk of the Court be directed close this case. 7 These Findings and Recommendations will be submitted to the United States District Judge 8 || assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)().

Within 14 days after 9 | being served with a copy of these Findings and Recommendations, a party may file written 10 | objections with the Court. Local Rule 304(b). The document should be

captioned, “Objections to 11 | Magistrate Judge’s Findings and Recommendations” and shall not exceed 15 pages without leave 12 | of Court and good cause shown.

The Court will not consider exhibits attached to the Objections, 13 | but a party may refer to exhibits in the record by CM/ECF document and page number. Any pages 14 | filed in excess of the 15-page limitation may be disregarded by the District Judge when reviewing 15 | these Findings and Recommendations under 28 U.S.C. § 636(b)(I)(C). A party’s failure to file any 16 | objections within the specified time may result in the waiver of certain rights on appeal.

Wilkerson 17 | v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014). 18 | Tr Is SO ORDERED. 19 | }) Bo
Dated: _ January 6, 2026 20 UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28