

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bennett v. Federal Bureau of Investigation, et al.

Bennett · No. 2:24-cv-1038-KJM-SCR · Decided July 11, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing David Bennett’s action against the Federal Bureau of Investigation and other defendants without prejudice. The recommendation is based on failure to state a claim and failure to file an amended complaint within the time allowed by the court’s June 3, 2025 order, under Federal Rule of Civil Procedure 41(b) and Local Rule 110.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 11, 2025
DOCKET	2:24-cv-1038-KJM-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice after the plaintiff failed to file an amended complaint within the period authorized by the district court.
STANDARD OF REVIEW	Dismissal for failure to comply with a court order requires consideration of the five Ferdik factors: 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PRECEDENTIAL VALUE	nonprecedential
PARTIES	David Bennett v. Federal Bureau of Investigation, et al.

TOPICS

- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to state a claim.
2. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 because plaintiff failed to comply with the order requiring an amended complaint.

HOLDINGS

1. Dismissal without prejudice was warranted because plaintiff failed to file an amended complaint or seek additional time after being ordered to do so, and the relevant dismissal factors supported that result.
2. Dismissal for failure to state a claim was warranted for the reasons stated in the district court's June 3, 2025 order.

KEY QUOTATIONS

"When deciding whether to recommend dismissal for failure to comply with a court order, the Court must consider "(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 1)

"The Court has considered less drastic alternatives and concludes that dismissal without prejudice is appropriate." (at 2)

FACTUAL BACKGROUND

The district court previously dismissed Bennett's complaint and allowed thirty days to file an amended complaint. More than thirty days elapsed without an amended complaint or a request for additional time. The magistrate judge found that dismissal without prejudice was appropriate because plaintiff failed to state a claim and failed to comply with the court's order.

PROCEDURAL HISTORY

The district court dismissed plaintiff's complaint on June 3, 2025, granted thirty days leave to amend, and directed plaintiff to file an amended complaint. Plaintiff neither amended the complaint nor requested additional time. The magistrate judge therefore recommended dismissal without prejudice for failure to state a claim and failure to comply with a court order, subject to objections within twenty-one days.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)

- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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