

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

(PC) Bennett v. FBI

PER CURIAM.

1 2 3 4 5 6 7 8

9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11

12 DAVID BENNETT, No. 2:24-cv-1038-KJM-SCR

13 Plaintiff,

14 v. FINDINGS & RECOMMENDATIONS

15 FEDERAL BUREAU OF

INVESTIGATION, et al., 16 Defendants. 17 18 By order filed June 3, 2025, plaintiff's complaint was dismissed and thirty days leave to 19 file an amended complaint was granted. ECF No. 17. More than 30 days from that date have 20 now passed, and plaintiff has not filed an amended complaint or requested additional time to do 21 so. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without 22 prejudice for failure to state a claim and for failure to comply with a court order. See Local Rule 23 110; Fed. R. Civ. P. 41(b). 24 Dismissal for failure to state a claim on which relief can be granted is warranted for the 25 reasons provided in the court's order filed June 3. ECF No. 17 at 3-4. Dismissal is also 26 warranted for plaintiff's failure to comply with the court's order that he file an amended 27 complaint. When deciding whether to recommend dismissal for failure to comply with a court 28 order, the Court must consider "(1) the public's interest in expeditious resolution of litigation; (2) 1 || the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public 2 || policy favoring disposition of cases on their merits; and (5) the availability of less drastic 3 || alternatives." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). 4 | "The public's interest in expeditious resolution of litigation always favors dismissal." *Yourish v.* 5 || *Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999). The Court's need to manage its docket also 6 || weighs in favor of dismissal, particularly given the heavy caseload in this District. The third 7 || factor is neutral given that most defendants have not yet appeared, but "[u]nnecessary delay 8 | inherently increases the risk that witnesses' memories will fade and evidence will become stale." 9 || *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002). The fourth factor weighs against 10 | dismissal, but less so if Plaintiff is not precluded from litigating this matter. The Court has 11 | considered less drastic alternatives and concludes that dismissal without prejudice is appropriate. 12 These findings and recommendations are submitted to the United States District Judge 13 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days

14 | after being served with these findings and recommendations, plaintiff may file written
objections 15 || with the court and serve a copy on all parties. Such a document should be
captioned 16 | “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is
advised that 17 || failure to file objections within the specified time may waive the right to appeal
the District 18 | Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 19 || DATED: July
11, 2025 20 21 A Kink
22 SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE
23 24 25 26 27 28