

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

McDaughtery v. Arce

McDaughtery · No. 25-cv-02474-JSC · Decided July 24, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed the plaintiff's civil rights case with prejudice after he failed to file an amended complaint within the time allowed. The court directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 24, 2025
DOCKET	25-cv-02474-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's civil rights complaint was dismissed for failure to state a cognizable claim, with leave to amend. After Plaintiff failed to amend or seek an extension, the court dismissed the action with prejudice.
PRECEDENTIAL VALUE	Unknown
PARTIES	Lester D. McDaughtery v. Carlos Arce

TOPICS

- section 1983
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed with prejudice after Plaintiff failed to amend his complaint within the court-ordered period after dismissal with leave to amend.

HOLDINGS

1. When a complaint has been dismissed with leave to amend and the plaintiff fails to amend within the permitted period, the district court may dismiss the action with prejudice after making the necessary further determination.

KEY QUOTATIONS

“This case is accordingly DISMISSED with prejudice. See WMX Technologies v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997) (when complaint has been dismissed with leave to amend and plaintiff does not amend, further district court determination is necessary).” (at 16-19)

FACTUAL BACKGROUND

The underlying civil rights complaint did not present a cognizable claim for relief. The court granted Plaintiff 28 days to amend. Plaintiff took no further action, including filing an amended complaint, requesting an extension, or showing cause for the failure to amend.

PROCEDURAL HISTORY

On April 23, 2025, the court dismissed Plaintiff’s civil rights complaint and granted 28 days to file an amended complaint, warning that failure to do so would result in dismissal. Plaintiff did not file an amended complaint, request an extension, or show cause for his failure. The court therefore dismissed the case with prejudice and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- WMX Technologies v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997)

OPINION

McDaughtery v. Arce

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 LESESTER D. MCDAUGHTERY, Case No. 25-cv-02474-JSC g Plaintiff,

ORDER OF DISMISSAL

9 V.

10 CARLOS ARCE,

11 Defendant. 12 On April 23, 2025, the Court dismissed Plaintiff’s civil rights complaint for failure to

E 13 || present a cognizable claim for relief. (ECF No. 9.) Plaintiff was granted 28 days to file an
14 || amended complaint, and warned that if he did not do so the case would be dismissed. He has
not 3 15 || filed an amended complaint, requested an extension of time, or shown cause why not.
This case is 16 || accordingly DISMISSED with prejudice. See WMX Technologies v. Miller, 104
F.3d 1133, 1136 i 17 || (9th Cir. 1997) (when complaint has been dismissed with leave to amend
and plaintiff does not Z 18 || amend, further district court determination is necessary). 19 The
Clerk shall enter judgment and close the file. 20 IT IS SO ORDERED. 21 Dated: July 24, 2025 22
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JAQUELINE SCOTT CORL
24 United States District Judge 25 26 27 28