

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Jacqueline Coleman v. County of Sacramento, et al.

No. 2:23-cv-2677-DC-CKD (PS), United States District Court for the Eastern District of California (May 20,
2025)

SUMMARY

The United States Magistrate Judge recommends dismissing Jacqueline Coleman’s pro se civil action for failure to prosecute after Coleman failed to file an amended complaint or otherwise respond within the time ordered by the court. The recommendation relies on Federal Rule of Civil Procedure 41(b) and the factors governing dismissal for failure to prosecute, and advises that objections may be filed within fourteen days.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JACQUELINE COLEMAN, No. 2:23-cv-2677-DC-CKD (PS) 12 Plaintiff,
13 v. FINDINGS AND RECOMMENDATIONS 14 COUNTY OF SACRAMENTO, et al., 15
Defendants. 16 17 18 Plaintiff filed a pro se civil complaint and the matter was referred to the
undersigned by 19 Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b).

On April 2, 2025, plaintiff’s amended 20 complaint was found not to state a claim and was
dismissed with leave to amend. (See ECF No. 21 22.) The undersigned ordered that plaintiff file
any amended complaint within 30 days of the date 22 of that order. (Id. at 10.) Plaintiff was
specifically cautioned that failure to file an amended 23 complaint or otherwise respond to the
order would result in a recommendation that this action be 24 dismissed.

The time granted for plaintiff to file an amended complaint has expired. Plaintiff has 25 not filed
an amended complaint, sought an extension of time to do so, or otherwise communicated 26 with
the court. 27 In recommending this action be dismissed for failure to prosecute, the court has 28
considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to 1
|| manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 2 |
disposition of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v. 3*
|| *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because plaintiff has not 4 || stated a claim for relief and this case cannot
move forward without plaintiff’s participation, these 5 || factors weigh in favor of dismissal. 6
Based on the foregoing, IT IS HEREBY RECOMMENDED as follows: 7 1. This action be
dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and 8 2.

The Clerk of the Court be directed to close this case. 9 These findings and recommendations are submitted to the United States District Judge 10 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 11 | after being served with these findings and recommendations, plaintiff may file written objections 12 || with the court and serve a copy on all parties.

Such a document should be captioned “Objections 13 || to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 14 || objections within the specified time may waive the right to appeal the District Court’s order. 15 || Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 16 | Dated: May 20, 2025 / ae □□ / a Ly a "7 CAROLYNK.DELANEY 18 UNITED STATES MAGISTRATE JUDGE 19 20 || 8, cole23ev2677.fta.fr 21 22 23 24 25 26 27 28