

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

Mark A. Jones v. Senogor, et al.

Jones v. Senogor · No. 2:17-cv-1422 DC AC P · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Mark A. Jones’s 42 U.S.C. § 1983 action without prejudice for failure to prosecute. The recommendation follows Jones’s failure to appear at a hearing concerning former counsel’s motion to withdraw and failure to respond to an order to show cause.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MARK A. JONES, No. 2:17-cv-1422 DC AC P 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 SENOGOR, et al., 15 Defendants. 16 17 Plaintiff is
a former state prisoner proceeding pro se with a civil rights action pursuant to 18 42 U.S.C. §
1983. By order filed September 24, 2025, plaintiff was ordered to appear at the 19 November 5,
2025 hearing on his former counsel’s motion to withdraw as counsel and was 20 cautioned that
failure to appear would result in a recommendation that this action be dismissed for 21 failure to
prosecute.

ECF No. 90. Plaintiff was further directed to contact the undersigned’s 22 courtroom deputy to
either provide an email address for receipt of Zoom information or request 23 an in-person
hearing. Id. After plaintiff failed to contact the court and did not appear at the 24 hearing, he was
ordered to show cause why this action should not be dismissed for failure to 25 prosecute and
cautioned that failure to respond would result in a recommendation that this action 26 be
dismissed without further warning.

ECF No. 93. The time to respond has now expired, and 27 plaintiff has not filed a response to the
order to show cause or otherwise responded to the court’s 28 order.] In recommending this action
be dismissed for failure to prosecute, the court has 2 || considered “(1) the public’s interest in
expeditious resolution of litigation; (2) the court’s need to 3 || manage its docket; (3) the risk of
prejudice to the defendants; (4) the public policy favoring 4 | disposition of cases on their merits;
and (5) the availability of less drastic alternatives.” *Ferdik v.* 5 || *Bonzelet*, 963 F.2d 1258, 1260-61
(9th Cir.

1992) (citation omitted). Because this case cannot 6 || move forward without plaintiffs
participation, the court finds the factors weigh in favor of 7 || dismissal. 8 Accordingly, IT IS

HEREBY RECOMMENDED that this action be dismissed without 9 || prejudice pursuant to Federal Rule of Civil Procedure 41(b). 10 These findings and recommendations are submitted to the United States District Judge 11 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 12 | after being served with these findings and recommendations, any party may file written 13 || objections with the court and serve a copy on all parties. Such a document should be captioned 14 | “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the 15 || objections shall be served and filed within fourteen days after service of the objections.

The 16 || parties are advised that failure to file objections within the specified time may waive the right to 17 || appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 18 | DATED: December 29, 2025 * 19 ththienr—Chnp—e_ ALLISON CLAIRE 20 UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28