

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 29, 2025
DOCKET	2:17-cv-1422 DC AC P
DISPOSITION	remanded
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute is evaluated under the five factors identified in <i>Ferdik v. Bonzelet</i> : the public's 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PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- civil procedure
- section 1983
- civil rights
- remedies

PRACTICE AREAS

- civil procedure
- civil rights
- remedies

QUESTIONS PRESENTED

1. Whether plaintiff's repeated failure to appear, communicate with the court, and respond to the order to show cause warranted dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Because the action could not move forward without plaintiff's participation and the applicable five factors weighed in favor of dismissal, dismissal without prejudice under Federal Rule of Civil Procedure 41(b) was recommended.

KEY QUOTATIONS

“Because this case cannot move forward without plaintiff’s participation, the court finds the factors weigh in favor of dismissal.” (at 2)

“Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).” (at 2)

FACTUAL BACKGROUND

Plaintiff failed to appear at a court hearing concerning his former counsel's motion to withdraw and did not contact the courtroom deputy as directed to arrange receipt of Zoom information or request an in-person hearing. The court then ordered plaintiff to show cause why the action should not be dismissed for failure to prosecute. Plaintiff allowed the response deadline to expire without responding or otherwise complying with the court's order.

PROCEDURAL HISTORY

Plaintiff, a former state prisoner proceeding pro se under 42 U.S.C. § 1983, was ordered to attend a hearing on former counsel's motion to withdraw and to contact the court regarding hearing arrangements. Plaintiff failed to contact the court and did not appear. After the court issued an order to show cause warning that the action could be dismissed for failure to prosecute, plaintiff failed to respond. The magistrate judge recommended dismissal without prejudice and advised the parties of their right to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the assigned district judge dismiss the action without prejudice under Federal Rule of Civil Procedure 41(b). Parties were permitted fourteen days to file objections; failure to object could waive the right to appeal the district court's order.

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)

- **Martinez v. Ylst**, 951 F.2d 1153 (9th Cir. 1991)

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