

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

William Joseph Babbitt v. Sacramento County Sheriff's Department,
et al.

Babbitt · No. 2:24-cv-02396-CKD PS · Decided April 22, 2025

SUMMARY

The United States Magistrate Judge screened plaintiff’s pro se civil complaint, dismissed it with leave to amend, and granted thirty days to file an amended complaint. Because plaintiff neither amended the complaint nor sought an extension, the court recommends dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) and closure of the case. The document also provides notice of the fourteen-day period for filing objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	2:24-cv-02396-CKD PS
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff's complaint was screened and dismissed with leave to amend. After plaintiff failed to file an amended complaint or seek an extension, the magistrate judge issued findings and recommendations that the action be dismissed for failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute is evaluated under the five-factor framework addressing expeditious resolution, docket management, prejudice, disposition on the merits, and less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- pleadings
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after plaintiff failed to file an amended complaint within the time allowed.
2. Whether the court should direct the clerk to close the case following the recommendation for dismissal.

HOLDINGS

1. The magistrate judge determined that the relevant factors favored dismissal because the case could not proceed without plaintiff's participation and recommended dismissal under Federal Rule of Civil Procedure 41(b).

KEY QUOTATIONS

"In recommending this action be dismissed for failure to prosecute, the court has considered "(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 1-2)

FACTUAL BACKGROUND

Plaintiff filed a pro se civil complaint that the court found deficient during screening. The court dismissed the complaint with leave to amend and gave plaintiff thirty days to file an amended complaint, warning that failure to do so would result in a recommendation of dismissal. The deadline expired without an amended complaint or a request for an extension.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil complaint. The magistrate judge screened it under 28 U.S.C. § 1915(e), identified deficiencies, dismissed it with leave to amend, and allowed thirty days for amendment. Plaintiff did not amend or request additional time, so the magistrate judge recommended dismissal under Federal Rule of Civil Procedure 41(b) and closure of the case, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 WILLIAM JOSEPH BABBITT, No. 2:24-cv-02396-CKD PS 12 Plaintiff, 13
v. ORDER & FINDINGS AND RECOMMENDATIONS 14 SACRAMENTO COUNTY
SHERIFF'S DEPARTMENT, et al., 15 Defendants. 16 17 18 Plaintiff filed a pro se civil complaint
and this matter was referred to the undersigned by 19 Local Rule 302(c)(21) pursuant to 28 U.S.C.
§ 636(b).

By order signed and filed on March 12, 20 2025 (ECF No. 5), the undersigned screened the
complaint pursuant to 28 U.S.C. § 1915(e), 21 advised plaintiff of the deficiencies in the
complaint, dismissed the complaint with leave to 22 amend, and granted plaintiff thirty days to file
an amended complaint. Plaintiff was warned that 23 failure to file an amended complaint 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 neither
filed an amended complaint nor sought an extension of time to do so. 26 In recommending this
action be dismissed for failure to prosecute, the court has 27 considered “(1) the public’s interest
in expeditious resolution of litigation; (2) the court’s need to 28 manage its docket; (3) the risk of
prejudice to the defendants; (4) the public policy favoring 1 || disposition of cases on their merits;
and (5) the availability of less drastic alternatives.” *Ferdik v. 2 | Bonzelet*, 963 F.2d 1258, 1260-61
(9th Cir.

1992) (citation omitted). Because this case cannot 3 || move forward without plaintiff’s
participation, the court finds the factors weigh in favor of 4 | dismissal. 5 In accordance with the
above, IT IS HEREBY ORDERED that the Clerk of the Court is 6 || directed to assign a district
judge to this case; and 7 IT IS HEREBY RECOMMENDED as follows: 8 1. This action be
dismissed for failure to prosecute.

See Fed. R. Civ. P. 41(b); and 9 2. The Clerk of the Court be directed to close this case. 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, plaintiff may file written objections 13 || with the
court and serve a copy on all parties.

Such a document should be captioned “Objections 14 | to Magistrate Judge’s Findings and
Recommendations.” Plaintiff is advised that failure to file 15 || objections within the specified time
may waive the right to appeal the District Court’s order. 16 || *Martinez v. Yist*, 951 F.2d 1153 (9th
Cir. 1991). 17 | Dated: April 22, 2025 / ae □□ / a Ly a 18 CAROLYN K DELANEY 19 UNITED
STATES MAGISTRATE JUDGE 20 21 || 5, babb.2396.24 22 23 24 25 26 27 28