

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

OPINION

(PS) Babbitt v. Sacramento County Sheriff's Dept..

PER CURIAM.

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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
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18 CAROLYN K DELANEY

19 UNITED STATES MAGISTRATE JUDGE

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