

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

Anthony Richard Turner v. Sheriff Thomas A. Ferrara

No. 2:25-cv-0933 DC CSK P (E.D. Cal. Nov. 5, 2025) · No. No. 2:25-cv-0933 DC CSK P · Decided November
5, 2025

SUMMARY

The court recommends dismissal without prejudice of Anthony Richard Turner’s habeas action against Sheriff Thomas A. Ferrara because Turner failed to file a second amended petition after being granted leave to do so. Applying the dismissal factors identified in *Ferdik v. Bonzelet*, the court concludes that dismissal for failure to prosecute is appropriate. The findings and recommendations advise Turner of his fourteen-day period to file objections.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ANTHONY RICHARD TURNER, No. 2:25-cv-0933 DC CSK P 12
Petitioner, 13 v. FINDINGS AND RECOMMENDATIONS 14 SHERIFF THOMAS A.
FERRARA, 15 Respondent. 16 17 By order filed September 19, 2025, petitioner’s first amended
petition for writ of habeas 18 corpus was dismissed, and thirty days’ leave to file a second
amended petition was granted.

The 19 thirty day period has now expired, and petitioner has not responded to the Court’s order.
20 In recommending this action be dismissed for failure to prosecute, the Court has 21 considered
“(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to 22 manage
its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 23 disposition
of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v. 24 Bonzelet*,
963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because this case cannot 25 move forward without petitioner’s
participation, the Court finds the factors weigh in favor of 26 dismissal. 27 In accordance with the
above, IT IS HEREBY RECOMMENDED that this action be 28 dismissed without prejudice. See
Local Rule 110; Fed. R. Civ. P. 41(b).] These findings and recommendations are submitted to the
United States District Judge 2 || assigned to the case, pursuant to the provisions of 28 U.S.C. §
636(b)(1).

Within fourteen days 3 || after being served with these findings and recommendations, petitioner
may file written 4 || objections with the court. The document should be captioned “Objections to

Magistrate Judge's 5 || Findings and Recommendations." Petitioner is advised that failure to file objections within the 6 || specified time may waive the right to appeal the District Court's order.

Martinez v. Ylst, 951 7 | F.2d 1153 (9th Cir. 1991). 8 9 | Dated: November 5, 2025 4 aA 10 \ Aaa
spe CHI SOO KIM i UNITED STATES MAGISTRATE JUDGE 12 || /1um0933.fta.hab 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27 28