

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Alan Dean Hill v. Lt. Payne, et al.

Hill v. Payne · No. 2:25-cv-0433 DAD CKD P · Decided November 12, 2025

SUMMARY

A United States Magistrate Judge recommends dismissing Michael Alan Dean Hill’s action without prejudice because he did not file an amended complaint by the court-ordered deadline. The recommendation cites Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110 and advises that objections may be filed within fourteen days.

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	November 12, 2025
DOCKET	2:25-cv-0433 DAD CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations by a United States magistrate judge recommending dismissal without prejudice after plaintiff failed to file an amended complaint by the court-ordered deadline.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Alan Dean Hill v. Lt. Payne, et al.

TOPICS

- civil procedure
- pleadings
- motions to dismiss
- civil rights
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 because plaintiff failed to file an amended complaint after being granted leave to

amend.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed without prejudice because plaintiff failed to file an amended complaint by the court-ordered deadline.

KEY QUOTATIONS

“Accordingly, *IT IS HEREBY RECOMMENDED* that this action be dismissed without prejudice.” (at 1)

FACTUAL BACKGROUND

The court had dismissed plaintiff's complaint with leave to amend and set October 30, 2025, as the deadline for filing an amended complaint. Plaintiff did not file an amended complaint by that deadline.

PROCEDURAL HISTORY

Plaintiff's complaint was dismissed with leave to amend on May 14, 2025. After plaintiff failed to file the required amended complaint by October 30, 2025, the magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Martinez v. Ylst, 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 MICHAEL ALAN DEAN HILL, No. 2:25-cv-0433 DAD CKD P 12
Plaintiff, 13 v. 14 LT. PAYNE, et al., FINDINGS AND RECOMMENDATIONS 15 Defendants.
16 17 On May 14, 2025, plaintiff’s complaint was dismissed with leave to amend.

The amended 18 complaint was due on October 30, 2025. Plaintiff has not filed an amended
complaint. 19 Accordingly, *IT IS HEREBY RECOMMENDED* that this action be dismissed
without 20 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). 21 These findings and
recommendations are submitted to the United States District Judge 22 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 23 after being served with these findings and recommendations, plaintiff
may file written objections 24 with the court. The document should be captioned “Objections to
Magistrate Judge’s Findings 25 and Recommendations.” Plaintiff is advised that failure to file

objections within the specified 26 //// 27 //// 28 //// 1 || time waives the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th 2 | Cir. 1991). 3 || Dated: November 12, 2025 Card Kt | / ye
□□□ 4 CAROLYNK.DELANEY 5 UNITED STATES MAGISTRATE JUDGE 6 7 8] 1 9
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