

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Royalton McCamey v. Google and Alameda News Group

McCamey · No. 1:25-cv-01561-JLT-HBK · Decided December 29, 2025

SUMMARY

The document is Findings and Recommendations recommending dismissal without prejudice of Royalton McCamey’s pro se civil rights action against Google and Alameda News Group. The recommendation is based on Plaintiff’s failure to comply with a screening order, amend the complaint, voluntarily dismiss the action, or otherwise prosecute the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 29, 2025
DOCKET	1:25-cv-01561-JLT-HBK
DISPOSITION	remanded
PROCEDURAL POSTURE	Findings and recommendations by a federal magistrate judge recommending dismissal without prejudice of a pro se, in forma pauperis civil-rights action for failure to obey a court order and failure to prosecute.
STANDARD OF REVIEW	Dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order is evaluated under five factors: the public 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 sanctions.
PRECEDENTIAL VALUE	nonprecedential magistrate judge findings and recommendations; not a final disposition
PARTIES	Royalton McCamey v. Google, Alameda News Group

TOPICS

sanctions

motions to dismiss

civil procedure

section 1983

subject matter jurisdiction

PRACTICE AREAS

civil procedure

civil rights

federal jurisdiction

pro se litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110 because Plaintiff failed to comply with a court order.
2. Whether Plaintiff's failure to take any action or request an extension constituted a failure to prosecute warranting dismissal.
3. Whether the five-factor dismissal analysis supported dismissal despite the public policy favoring decisions on the merits.

HOLDINGS

1. Dismissal without prejudice is warranted under Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110 because Plaintiff failed to comply with the screening order and failed to prosecute the action.
2. The complaint, as pleaded, failed to state a federal claim, did not establish an identifiable basis for federal-question jurisdiction, and failed to comply with Federal Rule of Civil Procedure 8(a)(2).

KEY QUOTATIONS

“For the reasons set forth below, the undersigned recommends that the District Court dismiss this action without prejudice for Plaintiff’s failure to comply with a court order and prosecute this action.” (at 1)

“In determining whether to dismiss an action, the Court must consider the following factors: (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 sanctions.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a largely blank form complaint identifying Google and Alameda News Group as defendants but providing no defendant addresses, no factual statement, and only the phrase “Crime I didn’t commit” as the requested relief. The complaint did not identify a specific federal question, and the defendants were private companies with no alleged action under color of state law. After the court ordered Plaintiff to amend, stand on the complaint, or voluntarily dismiss, Plaintiff took none of those actions and did not request additional time.

PROCEDURAL HISTORY

Plaintiff filed a form civil complaint on November 14, 2025, naming Google and Alameda News Group. The magistrate judge issued a screening order under 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii), finding that the complaint failed to state a federal claim, lacked an identifiable basis for subject-matter jurisdiction, and failed to comply

with Federal Rule of Civil Procedure 8(a)(2). Plaintiff was given options to amend, stand on the complaint, or voluntarily dismiss, but did none of those things and did not seek an extension. The magistrate judge therefore recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110, subject to review by the assigned district judge under 28 U.S.C. § 636(b)(1)(C).

DISPOSITION

remanded

REMAND INSTRUCTIONS

The document is a recommendation, not a final disposition. It recommends that the assigned district judge dismiss the action without prejudice for failure to obey a court order and failure to prosecute. Parties may file objections within 14 days under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(b).

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000)
- *Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 (9th Cir. 2019)
- *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-33 (9th Cir. 1987)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990-91 (9th Cir. 1999)
- *In re Approval of the Judicial Emergency Declared in the Eastern District of California*, 956 F.3d 1175 (9th Cir. 2020)
- *Sibron v. New York*, 392 U.S. 40, 57 (1968)
- *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 643-44 (9th Cir. 2002)
- *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)