

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ROYALTON MCCAMEY, Case No. 1:25-cv-01561-JLT-HBK 12 Plaintiff,
FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION WITHOUT PREJUDICE 13
v. FOURTEEN-DAY DEADLINE 14 GOOGLE and ALAMEDA NEWS GROUP, 15 Defendants.
16 17 Plaintiff Royalton McCamey is proceeding pro se and in forma pauperis in this civil rights
18 action.

For the reasons set forth below, the undersigned recommends that the District Court 19 dismiss
this action without prejudice for Plaintiff’s failure to comply with a court order and 20 prosecute
this action. 21 BACKGROUND 22 Plaintiff initiated this pro se action by filing a form
“Complaint for a Civil Case” on 23 November 14, 2025. (Doc. No. 1, “Complaint”).

The complaint names the following 24 Defendants: (1) Google; and (2) Alameda News Group.
(Id. at 2). The “Job,” or “Title,” for each 25 Defendant is not stated. (Id.). Nor does Plaintiff
provide an address for either Defendant. (Id.). 26 Under the “Basis of Jurisdiction” section of the
Complaint, Plaintiff checks “federal question.” 27 (Id. at 3). When requested to list the “Basis for
Jurisdiction” for “Federal Question,” Plaintiff 28 states “Google.” (Id. at 4).

Plaintiff leaves the Statement of Claim blank. (Id. at 5). As relief, 1 Plaintiff states “Crime I didn’t
commit.” (Id. at 6). 2 On November 20, 2025, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) -(iii), the
Court issued a 3 screening order finding the Complaint, as pled, failed to state any federal claim.
(See generally 4 Doc. No. 4); see also *Lopez v. Smith*, 203 F. 3d 1122, 1129 (9th Cir.

2000) (section 1915(e) 5 applies to all litigants proceeding in forma pauperis). First, the Court
found that it lacked subject 6 matter jurisdiction. Although Plaintiff checked that his claim is
based on a federal question, 7 Plaintiff did not identify a specific federal question upon which this
case is based.

To the extent 8 discernable, it appears Plaintiff is challenging a prior prosecution that may have
resulted in a 9 deprivation of his liberty. However, both Defendants are private companies and
cannot be 10 deemed to have caused any deprivation while acting under “color of state law.”
Moreover, the 11 complaint contains no facts pertaining to either Defendant.

Other than identifying the Defendants 12 under the list of Defendants, neither individual Defendant is named anywhere in the Complaint. 13 Indeed, the Complaint is blank. For these reasons, the Court alternatively found the Complaint 14 did not comply with the requirements of Federal Rule of Civil Procedure 8(a)(2). 15 The Court afforded Plaintiff three options to exercise before December 15, 2025: (1) file 16 an amended complaint; (2) file a notice that he intends to stand on his initial Complaint subject to 17 the undersigned recommending the district court dismiss for reasons stated in the screening order; 18 or (3) file a notice to voluntarily dismiss this action, without prejudice, under Federal Rule of 19 Civil Procedure 41(a)(1) because no defendant had yet been served.

(Id. at 5). The Court 20 expressly warned Plaintiff that if he “fails to timely respond to this Court Order or seek an 21 extension of time to comply” the undersigned “will recommend that the district court dismiss this 22 case as a sanction for Plaintiff’s failure to comply with a court order and prosecute this action.” 23 (Id. at 5, ¶ 2).

As of the date of this Findings and Recommendations, Plaintiff has failed to 24 exercise any of the three options from the Court’s screening order, or request an extension of time 25 to comply, and the time to do so has expired.¹ (See docket). 26 27 1 The Court advised Plaintiff he should take one of the three actions on or before December 15, 2025.

Although Plaintiff is not entitled to the mailbox rule, the undersigned nonetheless allotted 14 days from 28 December 15, 2025 deadline to account for mailing before issuing these Findings and Recommendations. 1 APPLICABLE LAW AND ANALYSIS 2 A. Legal Standard 3 Federal Rule of Civil Procedure 41(b) permits the court to involuntarily dismiss an action 4 when a litigant fails to prosecute an action or fails to comply with other Rules or with a court 5 order.

See Fed. R. Civ. P. 41(b); see *Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 6 (9th Cir. 2019) (citations omitted). Similarly, this Court’s local rules, which correspond with 7 Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply 8 with... any order of the Court may be grounds for the imposition by the Court of any and all 9 sanctions... within the inherent power of the Court.” E.D.

Cal. L.R. 110. “District courts have 10 inherent power to control their dockets” and, in exercising that power, may impose sanctions, 11 including dismissal of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 12 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an 13 action, obey a court order, or comply with local rules.

See, e.g., *Ferdik v. Bonzelet*, 963 F.2d 14 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a court order to amend a 15 complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir. 1987) (dismissal for 16 failure to comply with a court order); *Henderson v.*

Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) 17 (dismissal for failure to prosecute and to comply with local rules).

In determining whether to 18 dismiss an action, the Court must consider the following factors: (1) the public's interest in 19 expeditious resolution of litigation; (2) the Court's need to manage its docket; (3) the risk of 20 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and 21 (5) the availability of less drastic sanctions.

Henderson, 779 F.2d at 1423; Carey v. King, 856 22 F.2d 1439, 1440 (9th Cir. 1988). 23 B. Analysis 24 After considering each of the above-stated factors, the undersigned concludes dismissal 25 without prejudice is warranted in this case.

As to the first factor, the expeditious resolution of 26 litigation is deemed to be in the public interest, satisfying the first factor. Yourish v. California 27 Amplifier, 191 F.3d 983, 990-91 (9th Cir. 1999). 28 //// 1 Turning to the second factor, this Court's need to efficiently manage its docket cannot be 2 overstated. This Court has one of the heaviest caseloads in the nation, and due to the delay in 3 filling judicial vacancies, which was further exacerbated by the COVID-19 pandemic, operated 4 under a declared judicial emergency through May 2, 2021.

See In re Approval of the Judicial 5 Emergency Declared in the Eastern District of California, 956 F.3d 1175 (9th Cir. 2020). This 6 Court's time is better spent on its other matters than needlessly consumed managing a case with a 7 recalcitrant litigant.

The Court cannot effectively manage its docket when a litigant ceases to 8 litigate his/her case or respond to a court order. Thus, the Court finds that the second factor 9 weighs in favor of dismissal. 10 Delays inevitably have the inherent risk that evidence will become stale or witnesses' 11 memories will fade or be unavailable and can prejudice a defendant, thereby satisfying the third 12 factor.

See Sibron v. New York, 392 U.S. 40, 57 (1968). Thus, the third factor—risk of prejudice 13 to defendant—weighs in favor of dismissal since a presumption of injury arises from the 14 unreasonable delay in prosecuting an action. Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 15 1976).

Because Plaintiff's inaction amounts to an unreasonable delay in prosecuting this action, 16 the third factor weighs in favor of dismissal. 17 The fourth factor usually weighs against dismissal because public policy favors the 18 disposition of cases on the merits. Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002). 19 However, "this factor lends little support to a party whose responsibility it is to move a case 20 toward disposition on the merits but whose conduct impedes progress in that direction," which is 21 the case here.

In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 22 1228 (9th Cir. 2006) (citation omitted). Indeed, “trial courts do not have time to waste on 23 multiple failures by aspiring litigants to follow the rules and requirements of our courts.” 24 *Pagtalunan v. Galaza*, 291 F.3d 639, 644 (9th Cir. 2002) (Trott, J., concurring in affirmance of 25 district court’s involuntary dismissal with prejudice of habeas petition where petitioner failed to 26 timely respond to court order and noting “the weight of the docket-managing factor depends upon 27 the size and load of the docket, and those in the best position to know what that is are our 28 beleaguered trial judges.”).

Further, as set forth in the screening order, the Court already 1 determined that the Complaint, as pled, failed to state a claim, so this factor does not weigh in 2 favor of the Plaintiff. 3 Finally, the Court’s warning to a party that failure to obey the court’s order will result in 4 dismissal satisfies the “considerations of the alternatives” requirement.

Ferdik, 963 F.2d at 1262; 5 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court’s November 20, 2025 6 Order expressly warned Plaintiff that his failure to comply with the Court’s order would result in 7 a recommendation for dismissal of this action. (Doc. No. 4).

Thus, Plaintiff had adequate 8 warning that dismissal could result from his noncompliance. And the instant dismissal is a 9 dismissal without prejudice, which is a lesser sanction than a dismissal with prejudice, thereby 10 satisfying the fifth factor. 11 After considering the factors set forth supra and binding case law, the undersigned 12 recommends dismissal, without prejudice, under Fed.

R. Civ. P. 41(b) and Local Rule 110. 13 Accordingly, it is RECOMMENDED: 14 This action be DISMISSED without prejudice for Plaintiff’s failure to obey a court order 15 and failure to prosecute this action. 16 //// 17 //// 18 NOTICE TO PARTIES 19 These Findings and Recommendations will be submitted to the United States District 20 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l).

Within 14 days 21 after being served with a copy of these Findings and Recommendations, a party may file written 22 objections with the Court. Id.; Local Rule 304(b). The document should be captioned, 23 “Objections to Magistrate Judge’s Findings and Recommendations” and shall not exceed fifteen 24 (15) pages.

The Court will not consider exhibits attached to the Objections. To the extent a party 25 wishes to refer to any exhibit(s), the party should reference the exhibit in the record by its 26 CM/ECF document and page number, when possible, or otherwise reference the exhibit with 27 specificity. Any pages filed in excess of the fifteen (15) page limitation may be disregarded by 28 the District Judge when reviewing these Findings and Recommendations under 28 U.S.C. § 1 | 636(b)d)(C).

A party's failure to file any objections within the specified time may result in the 2 | waiver of certain rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014). 3 4 Dated: _ December 29, 2025 law Zh. foareh Hack 5 HELENA M. BARCH-KUCHTA ' UNITED STATES MAGISTRATE JUDGE 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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