

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rochanda Zigler, et al. v. Nelnet, et al.

Zigler v. Nelnet · No. 2:25-cv-02996-DAD-CKD PS · Decided December 15, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing Rochanda Zigler’s pro se civil action against Nelnet and others for failure to prosecute. The recommendation follows plaintiff’s failure to file an amended complaint or request an extension after the original complaint was dismissed with leave to amend, and also recommends closing the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	2:25-cv-02996-DAD-CKD PS
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a civil complaint. After screening under 28 U.S.C. § 1915(e), the magistrate judge dismissed the complaint with leave to amend and warned that failure to amend would result in a recommendation of dismissal. Plaintiff did not amend the complaint or seek additional time, so the magistrate judge issued findings and recommendations that the action be dismissed for failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) is evaluated under the five factors identified by the Ninth Circuit: 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 alternatives.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after plaintiff failed to file an amended complaint within the time allowed.
2. Whether the five-factor test governing dismissal for failure to prosecute supports dismissal under the circumstances.

HOLDINGS

1. The magistrate judge recommended dismissal under Federal Rule of Civil Procedure 41(b) because plaintiff failed to file an amended complaint or seek an extension after being warned that failure to do so could result in dismissal.

KEY QUOTATIONS

“Because this case cannot move forward without plaintiffs participation, the court finds the factors weigh in favor of dismissal.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a pro se civil complaint that was found deficient during screening under 28 U.S.C. § 1915(e). The court dismissed the complaint with leave to amend and allowed thirty days for amendment, but plaintiff neither filed an amended complaint nor requested an extension after the deadline passed.

PROCEDURAL HISTORY

The magistrate judge screened the complaint, identified deficiencies, dismissed it with leave to amend, and granted thirty days to file an amended complaint. After the deadline expired without an amended complaint or request for an extension, the magistrate judge recommended dismissal and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

Nelnet

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ROCHANDA ZIGLER, et al., No. 2:25-cv-02996-DAD-CKD PS 12 Plaintiffs,

13 v. FINDINGS & RECOMMENDATIONS

14 NELNET, et al., 15 Defendants. 16 17 Plaintiff filed a pro se civil complaint and this matter was referred to the undersigned by 18 Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b). By order filed October 22, 2025 (ECF No. 19 3) the undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e), advised plaintiff of 20 the deficiencies in the complaint, dismissed the complaint with leave to amend, and granted 21 plaintiff thirty days to file an amended complaint. Plaintiff was warned that failure to file an 22 amended complaint would result in a recommendation that this action be dismissed. The time 23 granted for plaintiff to file an amended complaint has expired. Plaintiff has neither filed an 24 amended complaint nor sought an extension of time to do so. 25 In recommending this action be dismissed for failure to prosecute, the court has 26 considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to 27 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 28 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v. 1 || Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot 2 || move forward without plaintiffs participation, the court finds the factors weigh in favor of 3 || dismissal. 4 In accordance with the above, IT IS HEREBY RECOMMENDED as follows: 5 1. This action be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and 6 2. The Clerk of the Court be directed to close this case. 7 These findings and recommendations are submitted to the United States District Judge 8 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within fourteen days 9 || after being served with these findings and recommendations, plaintiff may file written objections 10 || with the court and serve a copy on all parties. Such a document should be captioned “Objections 11 || to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 12 || objections within the specified time may waive the right to appeal the District Court’s order. 13 | *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991). 14 | Dated: December 15, 2025 / aa / a Ly a

16 UNITED STATES MAGISTRATE JUDGE

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