

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Fletcher Sherman Legardy v. Sunrise Mall Owner Group, et al.

Legardy v. Sunrise Mall Owner Group · No. 2:25-cv-2513 DJC AC PS · Decided October 9, 2025

OPINION

Fletcher Sherman Legardy v. Sunrise Mall Owner Group, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 FLETCHER SHERMAN LEGARDY, No. 2:25-cv-2513 DJC AC PS

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 SUNRISE MALL OWNER GROUP, et al., 15 Defendants. 16 17 Plaintiff is proceeding in this
action pro se and has paid the filing fee. The action was 18 accordingly referred to the
undersigned for pretrial matters by E.D. Cal. R. (“Local 19 Rule”) 302(c)(21). On September 22,
2025, the court issued an order explaining that federal 20 subject matter jurisdiction was not
apparent from the contents of the complaint and ordering 21 plaintiff to show cause why this case
should not be dismissed for lack of jurisdiction. ECF No. 4. 22 Plaintiff was cautioned that failure
to timely respond would result in a recommendation that this 23 case be dismissed for lack of
federal subject matter jurisdiction and for failure to prosecute. 24 Plaintiff has not responded or
taken any other action to prosecute this case. 25 For the reasons set forth in the court’s prior order
at ECF No. 4, the undersigned finds this 26 case must be dismissed without prejudice for lack of
federal subject matter jurisdiction. Further, 27 this case must be dismissed without prejudice for
failure to prosecute. In recommending this 28 action be dismissed for failure to prosecute, the
court has considered “(1) the public’s interest in 1 || expeditious resolution of litigation; (2) the
court’s need to manage its docket; (3) the risk of 2 || prejudice to the defendants; (4) the public
policy favoring disposition of cases on their merits; and 3 || (S) the availability of less drastic
alternatives.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th 4 | Cir. 1992) (citation omitted).
Because this case cannot move forward without plaintiff’s 5 || participation, the court finds the
factors weigh in favor of dismissal. Therefore, IT IS HEREBY 6 | RECOMMENDED that this
action be dismissed, without prejudice, for lack of prosecution and 7 || for lack of federal
jurisdiction. See 28 U.S.C. §§ 1331 and 1332(a); Fed. R. Civ. P. 41(b); Local 8 | Rule 110. 9 These
findings and recommendations are submitted to the United States District Judge 10 || assigned to

this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) 11 || days after being served with these findings and recommendations, plaintiff may file written 12 || objections with the court. Such document should be captioned “Objections to Magistrate Judge’s 13 | Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file 14 || objections within the specified time may waive the right to appeal the District Court’s order. 15 || Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 16 | DATED: October 9, 2025 * 17 Htttenr— Lhor —e_

ALLISON CLAIRE

18 UNITED STATES MAGISTRATE JUDGE

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