

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Earnell Hunt v. GEICO

Hunt v. GEICO · No. 2:25-cv-1565 AC · Decided July 16, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Earnell Hunt’s action against GEICO without prejudice for failure to prosecute and failure to comply with a court order. The court relied on Federal Rule of Civil Procedure 41(b), Local Rule 110, and the factors governing dismissal for failure to prosecute.

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	July 16, 2025
DOCKET	2:25-cv-1565 AC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss. After plaintiff failed to respond to the motion and to an order to show cause concerning failure to prosecute, the court dismissed the action without prejudice.
STANDARD OF REVIEW	The court evaluated dismissal for failure to prosecute under the five-factor test governing dismissal under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished
PARTIES	Earnell Hunt v. GEICO

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- insurance

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute and failure to comply with the court's order.

HOLDINGS

1. Dismissal without prejudice was warranted because plaintiff failed to participate in the action, failed to respond to the court's order to show cause, and the relevant five factors weighed in favor of dismissal.

KEY QUOTATIONS

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

“Therefore, IT IS HEREBY ORDERED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order.” (at 2)

FACTUAL BACKGROUND

Plaintiff did not respond to GEICO's motion to dismiss. He also failed to respond to the court's order to show cause why the action should not be dismissed for failure to prosecute and took no other action to prosecute the case.

PROCEDURAL HISTORY

Plaintiff proceeded pro se, and the matter was initially referred for pretrial matters before both parties consented to magistrate judge jurisdiction. GEICO filed a motion to dismiss on June 11, 2025. Plaintiff did not respond to that motion or to the court's order to show cause, and the court dismissed the action without prejudice for failure to prosecute and failure to comply with the court's order.

DISPOSITION

dismissed

CASES CITED

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 EARNELL HUNT, No. 2:25-cv-1565 AC 12 Plaintiff, 13 v. ORDER 14
GEICO, 15 Defendant. 16 17 Plaintiff is proceeding in this action pro se and this action was
accordingly referred to the 18 undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”)
302(c)(21). Both parties 19 subsequently consented to magistrate jurisdiction, and the case was
assigned to the undersigned 20 for all purposes.

ECF No. 11. 21 On June 11, 2025, defendant filed a motion to dismiss this case. ECF No. 3. Plaintiff did 22 not respond. Concerned that plaintiff had abandoned this case, the court issued an order to show 23 cause within 14 days why this action should not be dismissed for failure to prosecute. ECF No. 24 10. Plaintiff was cautioned that failure respond would lead to this case being dismissed.

Plaintiff 25 again did not respond. Plaintiff has not responded to the court's orders, nor taken any action to 26 prosecute this case. 27 In determining that this action be dismissed for failure to prosecute, the court has 28 considered "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to 1 || manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 2 | disposition of cases on their merits; and (5) the availability of less drastic alternatives." *Ferdik v. 3 || Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because this case cannot 4 | move forward without plaintiffs participation, the court finds the factors weigh in favor of 5 || dismissal. 6 Therefore, IT IS HEREBY ORDERED that this action be dismissed, without prejudice, 7 || for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); 8 | Local Rule 110.

9 || DATED: July 15, 2025 ~ ll UNITED STATES MAGISTRATE JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28