

**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

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 ~ 11 UNITED STATES MAGISTRATE JUDGE 12 13 14 15 16 17 18
19 20 21 22 23 24 25 26 27 28