

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Soto v. Aramark

Soto · No. No. 2:25-cv-1066-DMC-P · Decided July 30, 2025

SUMMARY

This document is an order and findings and recommendations by United States Magistrate Judge Dennis M. Cota in William Soto v. Aramark, No. 2:25-cv-1066-DMC-P, in the Eastern District of California. The court recommends dismissal without prejudice for lack of prosecution and failure to comply with the court’s order directing Plaintiff to file an amended complaint, and advises that objections may be filed within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
DECIDED	July 30, 2025
DOCKET	No. 2:25-cv-1066-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding pro se under 42 U.S.C. § 1983, failed to file an amended complaint after being ordered to do so. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders.
STANDARD OF REVIEW	Dismissal as a sanction for failure to prosecute or failure to comply with court rules or orders is evaluated under five factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to opposing parties, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; not a final district court disposition.
PARTIES	William Soto v. Aramark, et al.

TOPICS

sanctions

civil procedure

section 1983

prisoners rights

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for lack of prosecution after Plaintiff failed to file an amended complaint as ordered.
2. Whether dismissal was appropriate as a sanction for failure to comply with court rules and a court order.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to file the required amended complaint after being warned that noncompliance could result in dismissal.

KEY QUOTATIONS

“The Court must weigh five factors before imposing the harsh sanction of dismissal.” (at 1)

“Having considered these factors, and in light of Plaintiff’s failure to file an amended complaint as directed, the Court finds that dismissal of this action is appropriate.” (at 2)

FACTUAL BACKGROUND

William Soto, a prisoner proceeding pro se, brought a civil rights action under 42 U.S.C. § 1983 against Aramark and others. The court ordered Soto to file an amended complaint within 30 days and warned that failure to do so could result in dismissal for lack of prosecution and failure to comply with court rules and orders. Soto did not file the amended complaint by the time of the findings and recommendations.

PROCEDURAL HISTORY

On June 9, 2025, the court directed Plaintiff to file an amended complaint within 30 days and warned that failure to comply could result in dismissal. Plaintiff did not file an amended complaint. The magistrate judge ordered random assignment of a district judge and recommended dismissal without prejudice, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130, 132-33 & n.1 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)

- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Soto v. Aramark

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 WILLIAM SOTO, No. 2:25-cv-1066-DMC-P 12 Plaintiff, 13 v. ORDER 14 ARAMARK, et
al., and 15 Defendants. FINDINGS AND RECOMMENDATIONS 16 17 Plaintiff, a prisoner
proceeding pro se, brings this civil rights action pursuant to 18 42 U.S.C. § 1983. 19 On June 9,
2025, the Court directed Plaintiff to file an amended complaint within 20 30 days. Plaintiff was
warned that failure to file an amended complaint may result in dismissal of 21 this action for lack
of prosecution and failure to comply with court rules and orders. See Local
22 Rule 110. To date, Plaintiff has not complied.

23 The Court must weigh five factors before imposing the harsh sanction of dismissal. 24 See
Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v. U.S. Postal 25
Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in 26
expeditious resolution of litigation; (2) the court's need to manage its own docket; (3) the risk of
27 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits;
28 and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran, 46 F.3d 52,
1 | } 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an appropriate
2 || sanction is considered a less drastic alternative sufficient to satisfy the last factor. See Malone,
3 | 833 F.2d at 132-33 &n.1. The sanction of dismissal for lack of prosecution is appropriate where
4 || there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 5 ||
1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an 6 ||
order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 7 |
1992). 8 Having considered these factors, and in light of Plaintiff's failure to file an 9 || amended
complaint as directed, the Court finds that dismissal of this action is appropriate. 10 Based on the
foregoing, the undersigned orders and recommends as follows: 11 1. It is ORDERED that the
Clerk of the Court is directed to randomly assign a 12 | District Judge to this case. 13 2. It is
RECOMMENDED that this action be dismissed, without prejudice, 14 | for lack of prosecution
and failure to comply with court rules and orders. 15 These findings and recommendations are
submitted to the United States District 16 || Judge assigned to the case, pursuant to the provisions
of 28 U.S.C. § 636(b)(I). Within 14 days 17 || after being served with these findings and
recommendations, any party may file written 18 || objections with the court. Responses to

objections shall be filed within 14 days after service of 19 || objections. Failure to file objections within the specified time may waive the right to appeal. See 20 | Martinez v. YIst, 951 F.2d 1153 (9th Cir. 1991). 21 22 | Dated: July 30, 2025 Co

23 DENNIS M. COTA

4 UNITED STATES MAGISTRATE JUDGE

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