

**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

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. Ylst, 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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