

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Devon Keith Webb v. UShip and GoDaddy

Webb v. UShip · No. 2:25-cv-2043 DJC AC PS · Decided November 20, 2025

SUMMARY

The court recommends dismissing plaintiff Devon Keith Webb’s action against UShip and GoDaddy without prejudice for failure to prosecute and failure to comply with court orders. The recommendation applies the factors from *Ferdik v. Bonzelet* and cites Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DEVON KEITH WEBB, No. 2:25-cv-2043 DJC AC PS 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 USHIP and GoDADDY., 15 Defendants. 16 17
Plaintiff is proceeding in this action pro se.

The action was accordingly referred to the 18 undersigned for pretrial matters by E.D. Cal. R.
("Local Rule") 302(c)(21). On September 23, 19 2025, the court granted plaintiff’s in forma
pauperis ("IFP") application but rejected the 20 complaint, granting plaintiff 30 days to file an
amended complaint. ECF No. 3. Plaintiff was 21 cautioned that failure to do so could lead to a
recommendation that the action be dismissed.

22 Plaintiff did not file an amended complaint within the time limit. On October 29, 2025, the
court 23 issued an order to show cause by November 12, 2025 why this case should not be
dismissed for 24 failure to prosecute. ECF No. 4. Plaintiff has not responded to the court’s orders,
nor taken any 25 action to prosecute this case. 26 In recommending this action be dismissed for
failure to prosecute, the court has 27 considered "(1) the public's interest in expeditious resolution
of litigation; (2) the court's need to 28 manage its docket; (3) the risk of prejudice to the
defendants; (4) the public policy favoring 1 || disposition of cases on their merits; and (5) the
availability of less drastic alternatives." *Ferdik v. 2 | Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because this case cannot 3 || move forward without plaintiffs
participation, the court finds the factors weigh in favor of 4 | dismissal. 5 Therefore, IT IS
HEREBY RECOMMENDED that this action be dismissed, without 6 || prejudice, for lack of
prosecution and for failure to comply with the court’s order. See Fed. R. 7 || Civ. P. 41(b); Local
Rule 110.

8 These findings and recommendations are submitted to the United States District Judge 9 || assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) 10 || days after being served with these findings and recommendations, plaintiff may file written 11 || objections with the court. Such document should be captioned “Objections to Magistrate Judge’s 12 | Findings and Recommendations.” Local Rule 304(d).

Plaintiff is advised that failure to file 13 || objections within the specified time may waive the right to appeal the District Court’s order. 14 | Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 15 | DATED: November 20, 2025 ~ 16 AMhun—Clorne ALLISON CLAIRE 17 UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27 28