

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 20, 2025
DOCKET	2:25-cv-2043 DJC AC PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal of a pro se action without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	The court evaluated dismissal for failure to prosecute under the five-factor framework addressing the public interest in expeditious resolution, docket management, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; subject to review and adoption by the assigned district judge.

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

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

HOLDINGS

1. The five factors governing dismissal for failure to prosecute weighed in favor of dismissal because the action could not proceed without plaintiff's participation; dismissal without prejudice was therefore recommended.

KEY QUOTATIONS

“Therefore, IT IS HEREBY RECOMMENDED 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 proceeded pro se and was granted in forma pauperis status. After the court rejected his complaint and gave him 30 days to file an amended complaint, he failed to do so. Plaintiff also failed to respond to an order to show cause or take any further action to prosecute the case.

PROCEDURAL HISTORY

The court granted plaintiff's application to proceed in forma pauperis but rejected the complaint and granted 30 days to file an amended complaint. Plaintiff did not timely amend the complaint. The court then issued an order to show cause why the action should not be dismissed for failure to prosecute, and plaintiff neither responded nor otherwise prosecuted the case. The magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

dismissed

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)