

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

United States ex rel. Fatima Ann Katumbusi v. Wasatch Property
Management, et al.

Katumbusi v. Wasatch Property Management · No. 2:22-cv-0250-DAD-JDP (PS) · Decided May 15, 2025

SUMMARY

The magistrate judge recommends dismissing the action without prejudice because the plaintiff failed to prosecute, failed to comply with court orders, and failed to state a claim. The recommendation applies the factors governing dismissal for failure to prosecute and failure to obey court orders, and advises the parties of the procedure and deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	2:22-cv-0250-DAD-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a qui tam action for failure to prosecute, failure to comply with court orders, and failure to state a claim.
PRECEDENTIAL VALUE	Nonprecedential unpublished findings and recommendations; not a final district court disposition in the text provided.
PARTIES	United States ex rel. Fatima Ann Katumbusi v. Wasatch Property Management, et al.

TOPICS

- sanctions
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- False Claims Act

QUESTIONS PRESENTED

1. Whether dismissal without prejudice was warranted because plaintiff failed to prosecute the action and failed to comply with orders requiring an amended complaint, notice of voluntary dismissal, or a response to the order to show cause.
2. Whether the court's consideration of the relevant dismissal factors and prior warning satisfied the requirement that less drastic alternatives be considered.

HOLDINGS

1. Dismissal without prejudice was warranted because plaintiff failed to prosecute the action and failed to comply with orders directing her to file an amended complaint or notice of voluntary dismissal and to respond to the order to show cause.
2. The action should also be dismissed without prejudice for failure to state a claim for the reasons stated in the court's February 24, 2025 screening order.

KEY QUOTATIONS

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)

“I therefore find that the balance of factors weighs in favor of dismissal.” (at 2)

FACTUAL BACKGROUND

Plaintiff's complaint had been dismissed at screening for failure to state a claim. The court gave plaintiff the option to amend or voluntarily dismiss, but she did neither. Plaintiff also failed to respond to a subsequent order to show cause warning that noncompliance could lead to dismissal.

PROCEDURAL HISTORY

The court screened plaintiff's complaint on February 24, 2025, dismissed it for failure to state a claim, and ordered plaintiff to file either an amended complaint or a notice of voluntary dismissal within thirty days. After plaintiff failed to comply, the court issued an order to show cause on April 23, 2025, warning that failure to respond would result in a recommendation of dismissal. Plaintiff did not respond, and the magistrate judge recommended dismissal without prejudice and closure of the case, subject to review by the assigned district judge 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)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)

- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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