

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony Lee Williams v. Trimpey, et al.

Williams v. Trimpey · No. 2:24-cv-02148 SCR P · Decided September 24, 2025

OPINION

Trimpey

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ANTHONY LEE WILLIAMS, No. 2:24-cv-02148 SCR P

12 Plaintiff, 13 v. ORDER and

14 TRIMPEY, et al., FINDINGS AND RECOMMENDATIONS

15 Defendants. 16

17 Plaintiff is incarcerated in a county jail and proceeding pro se and in forma pauperis with 18 a
civil rights action under 42 U.S.C. § 1983. On July 21, 2025, the undersigned screened 19
plaintiff's complaint and found it failed to state any cognizable claims for relief. (ECF No. 14.) 20
Plaintiff was granted thirty (30) days to file an amended complaint. (Id. at 8.) Plaintiff was 21
further advised that failure to file an amended complaint would result in the recommendation that
22 the action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Id.) 23
The time for plaintiff to amend his complaint has now passed, and plaintiff has not filed 24 an
amended complaint or otherwise responded to the screening order. Accordingly, the 25
undersigned recommends that the action be dismissed for failure to prosecute and failure to 26
comply with a court order. See Fed. R. Civ. P. 41(b); Local Rule 110. 27 In recommending
dismissal, the court has considered: "(1) the public's interest in 28 expeditious resolution of
litigation; (2) the court's need to manage its docket; (3) the risk of 1 | prejudice to the defendants;
(4) the public policy favoring disposition of cases on their merits; and 2 | (5) the availability of
less drastic alternatives." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th 3 | Cir. 1992) (citation
omitted). "The public's interest in expeditious resolution of litigation always 4 | favors dismissal."
Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999). The court's 5 | need to manage its
docket also weighs in favor of dismissal, particularly given the heavy caseload 6 | in this District.
The third factor is neutral given no defendants have appeared, but "[u]nnecessary 7 | delay
inherently increases the risk that witnesses' memories will fade and evidence will become 8 |
stale." *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002). The public policy favoring 9 |

disposition of actions on the merits weighs against dismissal, but when “standing alone ... 1s not
10 | sufficient to outweigh the other four factors.” *Leon v. IDX Sys. Corp.*, 464 F.3d 951, 961 (9th
11 | Cir. 2006). The undersigned has also considered less drastic alternatives and concludes that 12
| dismissal without prejudice 1s appropriate. 13 Accordingly, IT IS HEREBY ORDERED that the
Clerk of the Court shall randomly 14 | assign a district judge to this matter. 15 In addition, IT IS
RECOMMENDED that the action be dismissed without prejudice for 16 | failure to prosecute,
Fed. R. Civ. P. 41(b), and failure to comply with a court order, Local Rule 17 |} 110. 18 These
findings and recommendations are submitted to the United States District Judge 19 | assigned to
the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days 20 | after
being served with these findings and recommendations, plaintiff may file written objections 21 |
with the court. Such a document should be captioned “Objections to Magistrate Judges Findings
22 || and Recommendations.” Plaintiff is advised that failure to file objections within the specified
23 || time may waive the right to appeal the District Court’s order. *Martinez v. YIst*, 951 F.2d 1153
24 | (9th Cir. 1991). 25 || DATED: September 24, 2025 26 md
27 SEAN C. RIORDAN
08 UNITED STATES MAGISTRATE JUDGE