

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Arnold v. Lion's Club International Association, et al.

No. 2:24-cv-2095 DAD AC PS, United States District Court for the Eastern District of California (March 6, 2025)

SUMMARY

The court recommends dismissing this pro se action without prejudice for failure to prosecute and failure to comply with a court order. Plaintiffs did not file an amended complaint or respond to an order to show cause, despite being given additional time after updating their address.

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	March 6, 2025
DOCKET	2:24-cv-2095 DAD AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal of the action without prejudice for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	In evaluating dismissal for failure to prosecute, the court considered the five factors identified in <i>Ferdik v. Bonzelet</i> : the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kimbly Arnold, Ronald Dunham, II v. Lion's Club International Association, et al.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

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

HOLDINGS

1. The five Ferdik factors weighed in favor of dismissing the action without prejudice because the case could not proceed without plaintiffs' participation, and plaintiffs failed to amend their complaint or respond to the order to show cause.

KEY QUOTATIONS

“Because this case cannot move forward without plaintiffs’ participation, the court finds the factors weigh in favor of dismissal.” (at 2)

FACTUAL BACKGROUND

Plaintiffs were proceeding pro se. After the complaint was rejected during in forma pauperis screening, plaintiffs failed to file an amended complaint within the court-ordered period and did not respond to an order to show cause. Although the court re-served the order after plaintiffs filed a change of address, plaintiffs still took no action.

PROCEDURAL HISTORY

The court granted Arnold's in forma pauperis application but rejected the complaint during screening and granted plaintiffs 30 days to file an amended complaint. Plaintiffs did not timely amend. After the court issued an order to show cause for failure to prosecute, plaintiffs did not respond, including after the order was re-served at a newly provided address. The magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

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

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