

**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.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 KIMBLY ARNOLD and RONALD No. 2:24-cv-2095 DAD AC PS
DUNHAM, II, 12 Plaintiffs, 13 FINDINGS AND RECOMMENDATIONS v. 14 LION'S CLUB
INTERNATIONAL 15 ASSOCIATION, et al., 16 Defendants. 17 18 Plaintiffs are proceeding in
this action pro se.

The action was accordingly referred to the 19 undersigned for pretrial matters by E.D. Cal. R.
("Local Rule") 302(c)(21). On October 18, 2024, 20 the court granted plaintiff Arnold's in forma
pauperis ("IFP") application but rejected the 21 complaint pursuant to the IFP screening process,
granting plaintiffs 30 days to file an amended 22 complaint. ECF No. 5.

Plaintiffs were cautioned that failure to do so could lead to a 23 recommendation that the action be
dismissed. Plaintiffs did not file an amended complaint within 24 the time limit. On January 24,
2025, the court issued an order to show cause within 14 days why 25 this case should not be
dismissed for failure to prosecute. ECF No. 4. Plaintiffs' mail was 26 returned to the court, and
plaintiffs did not respond.

On February 11, 2025, plaintiffs filed a 27 notice of change of address. ECF No. 5. Out of an
abundance of caution, on February 13, 2025, 28 the court directed the order to show cause to be
served to the new address and waited an 1 || additional 14 days for plaintiffs to respond. ECF No.
6. Plaintiffs still did not respond or take 2 || any other action in this case.

3 In recommending this action be dismissed for failure to prosecute, the court has 4 || considered
"(1) the public's interest in expeditious resolution of litigation; (2) the court's need to 5 || manage
its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 6 || disposition

of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v. 7 || Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because this case cannot 8 | move forward without plaintiffs’ participation, the court finds the factors weigh in favor of 9 || dismissal. 10 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without 11 | prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. 12 || Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United 13 || States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). 14 || Within twenty-one (21) days after being served with these findings and recommendations, 15 | plaintiff may file written objections with the court. Such document should be captioned 16 || “Objections to Magistrate Judge’s Findings and Recommendations.” Local Rule 304(d).

17 || Plaintiff is advised that failure to file objections within the specified time may waive the right to 18 || appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 19 | DATED: March 5, 2025 * 20 Lhar—e_ ALLISON CLAIRE 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27 28