

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Millsaps v. State Farm Insurance Companies

Millsaps · No. 2:24-cv-3673-DC-JDP (PS) · Decided May 21, 2025

SUMMARY

The court recommends dismissing Patricia G. Millsaps’s action against State Farm Insurance Companies without prejudice. The recommendation is based on failure to prosecute, failure to comply with court orders, and failure to state a claim, after plaintiff did not file an amended complaint, notice of voluntary dismissal, or response to an order to show cause.

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 21, 2025
DOCKET	2:24-cv-3673-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	A magistrate judge screened plaintiff’s complaint, dismissed it for failure to state a claim, allowed plaintiff time to amend or voluntarily dismiss, and later issued an order to show cause after plaintiff did neither. Plaintiff failed to respond, and the magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey court orders, or failure to comply with local rules is evaluated under the five-factor test considering the public interest in expeditious resolution, the court’s need to manage its docket, the risk of prejudice to defendants, the policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential findings and recommendations

TOPICS

- sanctions
- civil procedure
- motions to dismiss

PRACTICE AREAS

civil procedure

insurance

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to prosecute, failed to comply with court orders, and failed to state a claim.
2. Whether the five-factor dismissal analysis supported dismissal despite the policy favoring disposition on the merits.

HOLDINGS

1. A court may dismiss an action for failure to prosecute, failure to obey a court order, or failure to comply with local rules, including through the court's inherent docket-management and sanctions powers.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, the court's need to manage its docket, and the risk of prejudice supported dismissal, and the court's express warning satisfied the requirement to consider less drastic alternatives.

KEY QUOTATIONS

“In recommending that this action be dismissed for failure to comply with court orders, I have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.”” (at 2)

FACTUAL BACKGROUND

The court had dismissed plaintiff's complaint for failure to state a claim and directed her to file an amended complaint or notice of voluntary dismissal. Although plaintiff received an extension of time, she filed neither document by the extended deadline. Plaintiff also failed to respond to an order to show cause that expressly warned that noncompliance could result in dismissal.

PROCEDURAL HISTORY

On February 11, 2025, the court dismissed the complaint for failure to state a claim and ordered plaintiff to file an amended complaint or notice of voluntary dismissal. After granting an extension through April 10, 2025, the court ordered plaintiff to show cause when she filed neither document. Plaintiff did not respond to the show-cause order, leading to these findings and recommendations for dismissal without prejudice.

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, 1260-62 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130, 132-33 (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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