

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hill v. Payne

No. 2:25-cv-0433 DAD CKD P, United States District Court for the Eastern District of California (June 24, 2025)

SUMMARY

The document contains findings and recommendations by a United States magistrate judge in Hill v. Payne. Because the plaintiff did not file an amended complaint by the deadline after dismissal with leave to amend, the court recommends dismissing the action without prejudice under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 24, 2025
DOCKET	2:25-cv-0433 DAD CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice after plaintiff failed to file an amended complaint by the court-ordered deadline.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; no reporter citation.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 because plaintiff failed to file an amended complaint after being granted leave to

amend.

KEY QUOTATIONS

- “Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.” (1)
- “Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court.” (1)

FACTUAL BACKGROUND

Plaintiff's complaint had previously been dismissed with leave to amend. Although an amended complaint was due on June 16, 2025, plaintiff did not file one by that deadline.

PROCEDURAL HISTORY

The complaint was dismissed with leave to amend on May 14, 2025. Plaintiff's amended complaint was due June 16, 2025, but plaintiff did not file one. The magistrate judge recommended dismissal without prejudice and advised plaintiff of the fourteen-day objection period.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice, subject to review by the assigned district judge after the parties' objection period.

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Hill v. Payne

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MICHAEL ALAN DEAN HILL, No. 2:25-cv-0433 DAD CKD P

12 Plaintiff, 13 v.

14 LT. PAYNE, et al., FINDINGS AND RECOMMENDATIONS

15 Defendants. 16

17 On May 14, 2025, plaintiff’s complaint was dismissed with leave to amend. The amended 18

complaint was due on June 16, 2025. Plaintiff has not filed an amended complaint. 19
Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without 20
prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). 21 These findings and recommendations are
submitted to the United States District Judge 22 assigned to the case, pursuant to the provisions of
28 U.S.C. § 636(b)(1). Within fourteen days 23 after being served with these findings and
recommendations, plaintiff may file written objections 24 with the court. The document should be
captioned “Objections to Magistrate Judge’s Findings 25 and Recommendations.” Plaintiff is
advised that failure to file objections within the specified 26 // 27 // 28 // 1 || time waives the
right to appeal the District Court’s order. Martinez v. YIst, 951 F.2d 1153 (9th 2 | Cir. 1991). 3 ||
Dated: June 23, 2025 Card Kt | / ye ☐☐☐
4 CAROLYNK.DELANEY
5 UNITED STATES MAGISTRATE JUDGE
6 7 8] 1 9 hill0433.fta 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28