

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Daniel Lee Paschal v. Edward Mitchell Dodson

Paschal v. Dodson · No. No. 2:25-cv-2438 DAD AC PS · Decided November 20, 2025

SUMMARY

The document contains findings and recommendations from the United States District Court for the Eastern District of California recommending dismissal without prejudice for failure to prosecute and failure to comply with a court order. The recommendation follows the plaintiff’s failure to file an amended complaint or respond to an order to show cause.

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	November 20, 2025
DOCKET	No. 2:25-cv-2438 DAD AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	The court evaluated dismissal under the five-factor framework governing dismissal for failure to prosecute: 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PRECEDENTIAL VALUE	unpublished
PARTIES	Daniel Lee Paschal v. Edward Mitchell Dodson

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

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

HOLDINGS

1. The court recommended dismissal without prejudice because plaintiff failed to participate in the litigation, failed to comply with the order allowing amendment, and failed to respond to the order to show cause.

FACTUAL BACKGROUND

Plaintiff proceeded pro se and was granted leave to proceed in forma pauperis. After the court rejected his complaint and gave him 30 days to amend, he failed to file an amended complaint. He also failed to respond to the subsequent order to show cause or otherwise take action to prosecute the case.

PROCEDURAL HISTORY

The court granted plaintiff's application to proceed in forma pauperis but rejected the complaint and allowed 30 days to file an amended complaint. Plaintiff did not file an amended complaint or respond to an order to show cause concerning dismissal. The magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DANIEL LEE PASCHAL, No. 2:25-cv-2438 DAD AC PS 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 EDWARD MITCHELL DODSON, 15 Defendant.
16 17 Plaintiff is proceeding in this action pro se.

The action was accordingly referred to the 18 undersigned for pretrial matters by E.D. Cal. R.
("Local Rule") 302(c)(21). On September 23, 19 2025, the court granted plaintiff's in forma
pauperis ("IFP") application but rejected the 20 complaint, granting plaintiff 30 days to file an

amended complaint. ECF No. 3. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed.

Plaintiff did not file an amended complaint within the time limit. On October 29, 2025, the court issued an order to show cause by November 12, 2025 why this case should not be dismissed for failure to prosecute. ECF No. 4. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case. In recommending this action be dismissed for failure to prosecute, the court has 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." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992) (citation omitted). Because this case cannot move forward without plaintiffs participation, the court finds the factors weigh in favor of dismissal. 5 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110.

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

Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. 14 | *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991). 15 | DATED: November 20, 2025 ~ 16 Attu —Clone_ ALLISON CLAIRE 17 UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27 28