

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Raymond E. Moore, Jr. v. Butte County, et al.

Moore v. Butte County · No. 2:22-cv-1517-DJC-JDP (P) · Decided January 7, 2026

OPINION

Raymond E. Moore, Jr. v. Butte County, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 RAYMOND E. MOORE, JR., Case No. 2:22-cv-1517-DJC-JDP (P) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 BUTTE COUNTY, et al., 15 Defendants. 16 17 On July 30, 2025, I notified plaintiff to a
potential issue with defendant Shoemaker’s 18 service and directed him to either have the USM
re-serve Shoemaker or seek her entry of default. 19 ECF No. 68. Plaintiff did not respond to that
order, therefore, on November 18, 2025, I ordered 20 plaintiff, within fourteen days, (1) to show
cause why this action should not be dismissed for his 21 failure to prosecute and (2) to respond to
the court’s July 30, 2025 order. ECF No. 70. I also 22 warned plaintiff that his failure to respond
would constitute a failure to comply with a court order 23 and would result in dismissal of this
case. Plaintiff has not responded, and the time to do so has 24 passed. Accordingly, dismissal is
warranted. 25 The court has the inherent power to control its docket and may, in the exercise of
that 26 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles*
Cnty., 27 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party
to 28 comply with these Rules or with any order of the Court may be grounds for imposition by
the 1 Court of any and all sanctions . . . within the inherent power of the Court.”). 2 A court may
dismiss an action based on a party’s failure to prosecute an action, failure to 3 obey a court order,
or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 4 (9th Cir. 1995)
(dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 5 1260-61 (9th
Cir. 1992) (dismissal for failure to comply with an order to file an amended 6 complaint); *Carey v.*
King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 7 comply with local rule
requiring pro se plaintiffs to keep court apprised of address); *Malone v. 8 U.S. Postal Serv.*, 833
F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court 9 order); *Henderson v.*
Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 10 prosecution and failure to
comply with local rules). 11 In recommending that this action be dismissed for failure to prosecute
and failure to 12 comply with court orders, I have considered “(1) the public’s interest in

expeditious resolution of 13 litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; 14 (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less 15 drastic alternatives.” Ferdik, 963 F.2d at 1260-61 (citation omitted). 16 Plaintiff has failed to respond to a court order directing him to re-serve Shoemaker or seek 17 entry of default. ECF No. 68. After plaintiff failed to comply with that order, the court ordered 18 him to show cause why this action should not be dismissed for failure to comply with court orders 19 and failure to prosecute. ECF No. 70. Plaintiff also failed to comply with that order. Therefore, 20 the public interest in expeditious resolution of litigation, the court's need to manage its docket, 21 and the risk of prejudice to the defendant all cut in favor of the sanction of dismissal. My 22 warning to plaintiff that failure to obey court orders will result in dismissal satisfies the 23 “considerations of the alternatives” requirement.¹ Ferdik, 963 F.2d at 1262; Malone, 833 at 132- 24 33; Henderson, 779 F.2d at 1424. Plaintiff had adequate warning that dismissal could result from 25 his noncompliance. Accordingly, I find that the balance of factors weighs in favor of dismissal. 26 27 1 The November 18 order expressly warned plaintiff that his failure to comply with court 28 orders would result in dismissal. ECF No. 70. 1 Accordingly, it is hereby RECOMMENDED that: 2 1. This action be DISMISSED without prejudice for failure to prosecute and failure to 3 | comply with court orders for the reasons set forth in the July 30, 2025 order. 4 2. The Clerk of Court be directed to close the case. 5 These findings and recommendations are submitted to the United States District Judge 6 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 7 | service of these findings and recommendations, any party may file written objections with the 8 | court and serve a copy on all parties. Any such document should be captioned “Objections to 9 | Magistrate Judge's Findings and Recommendations,” and any response shall be served and filed 10 | within fourteen days of service of the objections. The parties are advised that failure to file 11 | objections within the specified time may waive the right to appeal the District Court's order. See 12 | Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 13 1991). 14 1s IT IS SO ORDERED. 16 | q Sty — Dated: _ January 7, 2026 q———

17 JEREMY D. PETERSON

18 UNITED STATES MAGISTRATE JUDGE

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