

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

Paezboyd v. Kaiser Foundation Hospital, et al.

No. 2:25-cv-01690-DJC-CKD PS, United States District Court for the Eastern District of California (August 6,
2025)

OPINION

(PS) Paezboyd v. Kaiser Foundation Hospital

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 OTIS C. PAEZBOYD, No. 2:25-cv-01690-DJC-CKD PS

12 Plaintiff,

13 v. FINDINGS & RECOMMENDATIONS

14 KAISER FOUNDATION HOSPITAL, et

al., 15 Defendants. 16 17 18 Plaintiff filed a pro se civil complaint and this matter was referred to
the undersigned by 19 Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b). By order filed June
25, 2025 (ECF No. 3) 20 the undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e),
advised plaintiff of the 21 deficiencies in the complaint, dismissed the complaint with leave to
amend, and granted plaintiff 22 thirty days to file an amended complaint. Plaintiff was warned that
failure to file an amended 23 complaint would result in a recommendation that this action be
dismissed. The time granted for 24 plaintiff to file an amended complaint has expired. Plaintiff has
neither filed an amended 25 complaint nor sought an extension of time to do so. 26 In
recommending this action be dismissed for failure to prosecute, the court has 27 considered “(1)
the public’s interest in expeditious resolution of litigation; (2) the court’s need to 28 manage its
docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 1 || disposition of
cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik v. 2 | Bonzelet*,
963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot 3 || move
forward without plaintiff’s participation, the court finds the factors weigh in favor of 4 | dismissal.
5 In accordance with the above, IT IS HEREBY RECOMMENDED as follows: 6 1. This action
be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and 7 2. The Clerk of the Court be
directed to close this case. 8 These findings and recommendations are submitted to the United
States District Judge 9 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).
Within fourteen days 10 || after being served with these findings and recommendations, plaintiff
may file written objections 11 || with the court and serve a copy on all parties. Such a document

should be captioned “Objections 12 || to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 13 || 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: August 5, 2025 / ae □□ / a Ly a

16 CAROLYN K DELANEY

17 UNITED STATES MAGISTRATE JUDGE

18 19 5, paez.1690.25 21 22 23 24 25 26 27 28