

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Scott Andrew Morrison v. Steven Acquisto, et al.

Morrison v. Acquisto · No. 2:25-cv-2723 CKD P · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing the action without prejudice because the plaintiff failed to file an amended complaint by the court-ordered deadline. The magistrate judge also ordered that a district judge be assigned and advised the plaintiff of the deadline and consequences for filing objections.

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	November 21, 2025
DOCKET	2:25-cv-2723 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	After plaintiff's complaint was dismissed with leave to amend and plaintiff failed to file an amended complaint by the deadline, the magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Scott Andrew Morrison v. Steven Acquisto, et al.

TOPICS

- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. 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.

HOLDINGS

1. The action should be dismissed without prejudice because plaintiff failed to file an amended complaint by the court-ordered deadline after the original complaint was dismissed with leave to amend.

FACTUAL BACKGROUND

Plaintiff's complaint had been dismissed with leave to amend. Although an amended complaint was due on November 10, 2025, plaintiff did not file one.

PROCEDURAL HISTORY

The complaint was dismissed on October 7, 2025, with leave to amend. Plaintiff's amended complaint was due November 10, 2025, but none was filed. The magistrate judge recommended dismissal without prejudice and directed that a district judge be assigned for consideration of the recommendation.

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 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 SCOTT ANDREW MORRISON, No. 2:25-cv-2723 CKD P 12 Plaintiff, 13
v. 14 STEVEN ACQUISTO, et al., ORDER AND 15 Defendants. FINDINGS AND
RECOMMENDATIONS 16 17 On October 7, 2025, plaintiff's complaint was dismissed with
leave to amend.

The 18 amended complaint was due on November 10, 2025, and plaintiff has not filed an amended
19 complaint. 20 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a
district 21 court judge to this case; and 22 IT IS HEREBY RECOMMENDED that this action be
dismissed without prejudice. See 23 Local Rule 110; Fed. R. Civ. P. 41(b). 24 These findings and
recommendations are submitted to the United States District Judge 25 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 26 after being served with these findings and recommendations, plaintiff
may file written objections 27 with the court. The document should be captioned "Objections to

Magistrate Judge’s Findings 28 and Recommendations.” Plaintiff is advised that failure to file objections within the specified 1 || time waives the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th 2 | Cir. 1991). 3 || Dated: November 21, 2025 Card Kt | ([z4
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