

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

Jackson v. Hill

No. 2:24-cv-3180-JDP (P) (E.D. Cal. Aug. 1, 2025) · No. 2:24-cv-3180-JDP (P) · Decided August 1, 2025

SUMMARY

The court recommends dismissal without prejudice of Tommie Lee Jackson’s action for failure to prosecute, failure to comply with court orders, and failure to state a claim. The recommendation follows Jackson’s failure to file an amended complaint or respond to an order to show cause, and it advises the parties of the fourteen-day objection period.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 TOMMIE LEE JACKSON, Case No. 2:24-cv-3180-JDP (P) 12 Plaintiff, 13
v. ORDER; FINDINGS AND RECOMMENDATIONS 14 RICK HILL, et al., 15 Defendants. 16
17 On March 6, 2025, I screened plaintiff’s complaint and dismissed it for failure to state a 18
claim. ECF No. 6. Plaintiff was ordered to file, within thirty days, either an amended complaint 19
or a notice of voluntary dismissal of this action.

Id. Plaintiff failed to comply with that order. 20 Therefore, on May 6, 2025, I ordered plaintiff to
show cause why this action should not be 21 dismissed. ECF No. 7. I notified plaintiff that if he
wished to continue with this lawsuit, he must 22 file an amended complaint. I also warned
plaintiff that failure to comply with the May 6 order 23 would result in a recommendation that this
action be dismissed.

Id. Plaintiff has not responded to 24 the order to show cause, and the time to do so has passed. 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 comply with court orders, I 12 have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 13 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 14 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” 15 *Ferdik*, 963 F.2d at 1260-61 (citation omitted).

16 Here, plaintiff failed to respond to orders directing him to file an amended complaint and 17 to show cause why this action should not be dismissed. See ECF Nos. 6 & 7. Therefore, the 18 public interest in expeditious resolution of litigation, the court’s need to manage its docket, and 19 the risk of prejudice to the defendant all support imposition of the sanction of dismissal.

Lastly, 20 my warning to plaintiff that failure to obey court orders will result in dismissal satisfies the 21 “considerations of the alternatives” requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132- 22 33; *Henderson*, 779 F.2d at 1424.

The May 6, 2025 order expressly warned plaintiff that his 23 failure to comply with court orders would result in dismissal. ECF No. 7. Plaintiff had adequate 24 warning that dismissal could result from his noncompliance. I therefore find that the balance of 25 factors weighs in favor of dismissal. 26 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this 27 matter.

28 1 Further, it is hereby RECOMMENDED that: 2 1. This action be dismissed without prejudice for failure to prosecute, failure to comply 3 | with court orders, and failure to state a claim for the reasons set forth in the court’s March 6, 2025 4 | order. 5 2.

The Clerk of Court be directed to close the case. 6 These findings and recommendations are submitted to the United States District Judge 7 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 8 | service of these findings and recommendations, any party may file written objections with the 9 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 10 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 11 | within fourteen days of service of the objections. The parties are advised that failure to file 12 | objections within the specified time may waive the right to appeal the District Court’s order. See 13 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 14 | 1991). 15 16 IT IS SO ORDERED. 17 (1 Sy
— Dated: _ August 1, 2025 q—— 18 JEREMY D. PETERSON 19 UNITED STATES
MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28