

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lujano v. Greif, Inc., et al.

Lujano · No. 1:25-cv-00102-KES-BAM · Decided December 5, 2025

SUMMARY

The document is Findings and Recommendations by a United States Magistrate Judge recommending dismissal without prejudice of a putative class action for failure to obey a court order and failure to prosecute. The recommendation applies the Ninth Circuit’s dismissal factors and gives the plaintiff fourteen days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 5, 2025
DOCKET	1:25-cv-00102-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice for failure to obey a court order and failure to prosecute.
STANDARD OF REVIEW	The court evaluated dismissal under the factors governing a court's exercise of its inherent authority to dismiss for failure to prosecute or failure to obey a court order: the public's interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- motion to amend
- class actions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to obey the court's order requiring a motion for leave to amend or a stipulation.
2. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute.

HOLDINGS

1. A district court may exercise its inherent authority to dismiss an action when a party fails to prosecute, fails to obey a court order, or fails to comply with applicable local rules.
2. Dismissal without prejudice was the appropriate sanction because plaintiff had abandoned prosecution, failed to obey multiple court orders, caused unreasonable delay, received adequate warning, and left no satisfactory lesser sanction available.

KEY QUOTATIONS

“District courts have the inherent power to control their dockets and “[i]n the exercise of that power they may impose sanctions including, where appropriate, . . . dismissal.”” (at 2)

*“Having considered the relevant factors, the Court finds that dismissal is the appropriate sanction and **HEREBY RECOMMENDS** that this action be dismissed, without prejudice, for failure to obey a court order and for Plaintiff’s failure to prosecute this action.”* (at 4)

FACTUAL BACKGROUND

Plaintiff filed a putative class action against Greif, Inc., Greif Packaging LLC, and Liz Corona. After the court directed plaintiff to seek leave to amend or obtain a stipulation to add Ricardo Torres, plaintiff filed an amended complaint without complying with Federal Rule of Civil Procedure 15, and the court struck it. Plaintiff did not file the required motion or stipulation and did not respond to a subsequent order to show cause, despite an express warning that noncompliance could result in terminating sanctions.

PROCEDURAL HISTORY

Plaintiff initiated a putative class action in Merced County Superior Court on June 28, 2024, and defendants removed it to the Eastern District of California on January 23, 2025. After plaintiff filed an amended complaint without obtaining leave or a stipulation, the court struck the pleading and directed plaintiff to file a proper motion for leave to amend or a stipulation. Plaintiff failed to comply with that order and then failed to respond to an order to show cause. The magistrate judge recommended dismissal without prejudice, subject to the parties' fourteen-day objection period and review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice and directed that the findings and recommendations be submitted to the assigned district judge. Plaintiff was given fourteen days to file objections.

CASES CITED

- Thompson v. Hous. Auth., 782 F.2d 829, 831 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61, 1262 (9th Cir. 1992)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- In re Phenylpropanolamine (PPA) Prods. Liab. Litig., 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

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