

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

Matthew Beckett v. Dept. State Hospitals-Ash, et al.

Beckett · No. 2:25-cv-01862-VBF-JC · Decided January 13, 2026

OPINION

Matthew Beckett v. Dept. State Hospitals-Ash, et al.

PER CURIAM.

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

10 11 MATTHEW BECKETT, Case No. 2:25-cv-01862-VBF-JC 12 Plaintiff,

MEMORANDUM OPINION AND

13 v. ORDER DISMISSING ACTION

14 DEPT. STATE HOSPITALS-ASH,

et al, 15 16 Defendants. 17 18

I. BACKGROUND AND SUMMARY

19 On March 3, 2025, Plaintiff Matthew Beckett, who is proceeding pro se and 20 has been granted leave to proceed in forma pauperis, filed a Civil Rights Complaint 21 (“Complaint” or “Comp.”) pursuant to 42 U.S.C. § 1983 (“Section 1983”) against 22 the California Department of State Hospitals – Atascadero State Hospital (“ASH”), 23 the California Office of Patient Rights, California Governor Gavin Newsom, and 24 numerous other individuals, the majority of whom appear to be ASH employees. 25 (See Comp. at 1-2 (as paginated on the Court’s electronic docket)). 26 /// 27 28 On October 7, 2025, the Magistrate Judge screened the Complaint pursuant to 1 28 U.S.C. § 1915(e)(2)(B), advised Plaintiff of multiple deficiencies therein,¹ and 2 dismissed it with leave to amend. (Docket No. 10 (“October Order”)).² The 3 October Order directed Plaintiff, within thirty (30) days, to file one of the 4 following: (1) a First Amended Complaint which cures the pleading defects 5 described in the October Order; (1) a Notice of Dismissal; or (3) a Notice of Intent 6 to Stand on the Complaint. The October Order also expressly cautioned Plaintiff 7 that the failure timely to file a First Amended Complaint, a Notice of Dismissal, or a 8 Notice of Intent to Stand on the Complaint may be deemed Plaintiff’s admission 9 that amendment is futile and may result in the dismissal of this action on the 10 grounds set forth in the October Order, on the ground that amendment is futile, for 11 12 1More specifically, the Magistrate Judge advised Plaintiff, albeit in greater detail and with citation to authorities, that the Original Complaint violated Rules 8 and 10(b) of the Federal 13 Rules of Civil Procedure and

was too vague and conclusory to otherwise permit the Court to screen it, and that, in any event, the Eleventh Amendment barred any Section 1983 claim against 14 at least ASH. (Docket No. 10). 15 2 Absent consent by all parties, including unserved defendants, a magistrate judge cannot 16 issue dispositive orders, including an order dismissing a claim. *Branch v. Umphenour*, 936 F.3d 994, 1004 (9th Cir. 2019); see also *Williams v. King*, 875 F.3d 500, 504 (9th Cir. 2017) 17 (“[C]onsent of all parties (including unserved defendants) is a prerequisite to a magistrate 18 judge’s jurisdiction to enter dispositive decisions under § 636(c)(1).”); 28 U.S.C. § 636(b)(1)(A)-(B). However, “the dismissal of a complaint with leave to amend is a 19 non-dispositive matter.” *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991). Accordingly, a magistrate judge may dismiss a complaint with leave to amend without the approval of a district 20 judge. See *id.* at 797. Additionally, a plaintiff who disagrees with a magistrate judge’s order, 21 including a nondispositive order dismissing a pleading with leave to amend, may file an objection with the district judge. See *Bastidas v. Chappell*, 791 F.3d 1155, 1162 (9th Cir. 2015); 22 see also *Hunt v. Pliler*, 384 F.3d 1118, 1124 (9th Cir. 2004) (“District court review of even these 23 nondispositive matters . . . can be compelled upon objection of the party against whom the magistrate has ruled.”) (quoting *McKeever*, 932 F.2d at 798). The October Order expressly 24 notified Plaintiff that (1) the October Order constituted non-dispositive rulings on pretrial matters; (2) to the extent a party disagreed with such non-dispositive rulings, such party may 25 seek review from the District Judge within fourteen (14) days; (3) to the extent a party believed 26 that the rulings were dispositive, rather than non-dispositive, such party had the right to object to the determination that the rulings were non-dispositive within fourteen (14) days; and (4) a party 27 would be foreclosed from challenging the rulings in the October Order if such party did not seek 28 review thereof or object thereto. (October Order at 8 n.4). Plaintiff did not seek review of, or file any objection to the October Order. 2 1 failure diligently to prosecute, and/or for failure to comply with the October Order. 2 Although the deadline to comply with the October Order expired more than a 3 month ago, to date, Plaintiff has not filed a response to the October Order or sought 4 an extension of the deadline to do so. Nor has Plaintiff sought review of, or filed 5 any objection to the October Order.³ 6 As discussed below, this action is dismissed due to Plaintiff’s unreasonable 7 failure to prosecute and his failure to comply with the October Order by the 8 deadline to do so.

9 II. PERTINENT LAW

10 It is well-established that a district court may sua sponte dismiss an action 11 where the plaintiff has failed to comply with a court order and/or unreasonably 12 failed to prosecute. See *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-33 13 (1962); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.) (as amended), cert. 14 denied, 506 U.S. 915 (1992); see also *McKeever v. Block*, 932 F.2d 795, 797 (9th

15 Cir. 1991) (district court may sua sponte dismiss action “only for an unreasonable 16 failure to prosecute”) (citations omitted); see also *Edwards v. Marin Park, Inc.*, 356 17 F.3d 1058, 1065 (9th Cir. 2004) (sua sponte dismissal pursuant to Fed. R. Civ. P. 18 41(b) proper

sanction in cases where a plaintiff is notified of deficiencies in 19 complaint and is given “the opportunity to amend [the complaint] or be dismissed” 20 but the plaintiff “[does] nothing”) (citations omitted; emphasis in original). 21 In determining whether to dismiss an action for failure to prosecute or failure 22 to comply with court orders, a district court must consider several factors, namely 23 24 3The October Order was entered on the docket and sent to Plaintiff on October 8, 2025. 25 (Docket No. 10). On the same date, Plaintiff wrote a letter to the Court complaining about events that had occurred on October 2, 2025. (Docket No. 11). The Clerk received such letter/ 26 attachments on October 14, 2025 and such filing was entered on the docket on October 28, 2025. 27 (Docket No. 11). In light of the timing and substance thereof, it is clear that Plaintiff’s letter/attachment was generated before Plaintiff received the October Order and was not 28 generated in response thereto. 3 1 (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need 2 to manage its docket; (3) the risk of prejudice to defendants; (4) the public policy 3 favoring disposition of cases on their merits; and (5) the availability of less drastic 4 alternatives. See *In re Eisen*, 31 F.3d 1447, 1451 (9th Cir. 1994) (failure to 5 prosecute); *Ferdik*, 963 F.2d at 1260-61 (failure to comply with court orders). 6 Dismissal is appropriate under the foregoing analysis “where at least four factors 7 support dismissal . . . or where at least three factors ‘strongly’ support dismissal.” 8 *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998) (citations 9 omitted). 10 Where a plaintiff is proceeding pro se, however, the court must first notify 11 the plaintiff of the deficiencies in the complaint so that the plaintiff has an 12 opportunity “to amend effectively.” *Ferdik*, 963 F.2d at 1261 (citation omitted). In 13 addition, where a Magistrate Judge originally dismissed the complaint with leave to 14 amend, the District Judge must review that decision before dismissing the entire 15 action. See *McKeever*, 932 F.2d at 797 (“While the magistrate can dismiss 16 complaints with leave to amend, the district court necessarily must review that 17 decision before dismissing the entire action.”). A District Judge may not dismiss an 18 action for failure to comply with a court order (e.g., the Magistrate Judge’s order to 19 file an amended complaint) or for unreasonable failure to prosecute if the initial 20 decision to dismiss a complaint was erroneous. *Yourish v. California Amplifier*, 21 191 F.3d 983, 992 (9th Cir. 1999) (citing *id.*).

22 III. DISCUSSION AND ORDER

23 First, the Court has reviewed the October Order, and finds that it adequately 24 and properly notified Plaintiff of the deficiencies in the Complaint and afforded 25 Plaintiff an opportunity to amend effectively. This Court agrees with and adopts 26 /// 27 28 4 1 the October Order and finds that the Magistrate Judge properly dismissed the 2 Complaint with leave to amend for the reasons discussed in the October Order. 3 Second, dismissal is appropriate based upon Plaintiff’s failure to comply with 4 the October Order and the failure to prosecute. The Court has considered the five 5 factors discussed above – the public’s interest in expeditious resolution of litigation, 6 the court’s need to manage its docket, the risk of prejudice to the Defendants, the 7 public policy favoring disposition of cases on their merits, and the availability of 8 less drastic alternatives. The first two

factors – the public’s interest in expeditiously resolving this litigation and the Court’s interest in managing the docket – strongly weigh in favor of dismissal. As noted above, Plaintiff has been notified of the deficiencies in the Complaint and has been given the opportunity to amend it, to dismiss it, or to notify the Court that he wishes to stand thereon. He has done none of those things. See *Edwards*, 356 F.3d at 1065. The third factor, risk of prejudice to the Defendants, also weighs strongly in favor of dismissal. See *Anderson v. Air 15 West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976) (prejudice to defendants presumed from unreasonable delay) (citation omitted). The fourth factor, the public policy favoring disposition of cases on their merits, is greatly outweighed by the factors in favor of dismissal discussed herein. As for the fifth factor, since Plaintiff has already been cautioned of the consequences of his failure to prosecute and his failure to comply with the October Order by the deadline to do so, and has been afforded the opportunity to avoid such consequences but has not responded, no sanction lesser than dismissal is feasible. See, e.g., *Yourish*, 191 F.3d at 989 (dismissal of action with prejudice not excessive sanction for plaintiffs’ failure timely to comply with court’s order to submit an amended complaint). 1 IT IS THEREFORE ORDERED that this action is dismissed based upon 2 || Plaintiff’s unreasonable failure to prosecute and his failure to comply with the 3 || October Order by the deadline to do so. 4 IT IS SO ORDERED. 5 6 || Date: January 13, 2026 ebeice hiker, Furheorte 7 8 The Hon. Valerie Baker Fairbank 9 Senior United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28