

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

John Patrick Smylie v. Plumas County District Attorney’s Office, et
al.

Smylie v. Plumas County District Attorney’s Office · No. 2:25-cv-2064 DC CSK P · Decided October 10, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing John Patrick Smylie’s 42 U.S.C. § 1983 action for failure to prosecute after he did not file an amended complaint within the granted deadline. The recommendation applies the factors governing dismissal for failure to prosecute and advises that objections may be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 10, 2025
DOCKET	2:25-cv-2064 DC CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal of a prisoner civil-rights action for failure to prosecute after the plaintiff failed to amend his complaint or otherwise respond to a prior dismissal order.
STANDARD OF REVIEW	Dismissal for failure to prosecute is evaluated under the five-factor framework identified in <i>Ferdik v. Bonzelet</i> , including the public interest in expeditious resolution, docket management, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations

TOPICS

- civil procedure
- sanctions
- section 1983
- civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after plaintiff failed to file an amended complaint or otherwise respond to the court's order.
2. Whether the five *Ferdik* factors favored dismissal under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Because the action could not move forward without plaintiff's participation and plaintiff failed to comply with the order granting leave to amend, the *Ferdik* factors weighed in favor of dismissal for failure to prosecute.

KEY QUOTATIONS

“(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” (at 1)

“Because this case cannot move forward without plaintiff’s participation, the Court finds the factors weigh in favor of dismissal.” (at 1)

FACTUAL BACKGROUND

Plaintiff was a county prisoner proceeding without counsel in a § 1983 action. After the court dismissed his complaint and granted thirty days to amend, plaintiff neither filed an amended complaint nor otherwise responded to the court's order.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action under 42 U.S.C. § 1983. The court dismissed the complaint on August 27, 2025, granted thirty days to file an amended complaint, and plaintiff failed to file an amendment or otherwise respond. The magistrate judge recommended dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b), subject to objections and review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

