

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

Nicole Jean Rogers v. Valero, et al.

Rogers v. Valero · No. No. 2:25-cv-0488-DC-CKD (PS) · Decided May 22, 2025

OPINION

(PS) Rogers v. Valero

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 NICOLE JEAN ROGERS, No. 2:25-cv-0488-DC-CKD (PS)

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 VALERO, et al., 15 Defendants. 16 17 18 Plaintiff filed a pro se civil complaint and the matter was referred to the undersigned by 19 Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b). On April 17, 2025, plaintiff's complaint 20 was found not to state a claim and was dismissed with leave to amend. (See ECF No. 3.) The 21 undersigned ordered plaintiff file any amended complaint within 30 days of the date of that order. 22 (Id. at 4.) Plaintiff was specifically cautioned that failure to file an amended complaint or 23 otherwise respond to the order would result in a recommendation that this action be dismissed. 24 The time granted for plaintiff to file an amended complaint has expired. Plaintiff has not filed an 25 amended complaint, sought an extension of time to do so, or otherwise communicated with the 26 court. 27 In recommending this action be dismissed for failure to prosecute, the court has 28 considered "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to 1 || manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 2 | disposition of cases on their merits; and (5) the availability of less drastic alternatives." *Ferdik v. 3 || Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because plaintiff has not 4 || stated a claim for relief and this case cannot move forward without plaintiff's participation, these 5 || factors weigh in favor of dismissal. 6 Based on the foregoing, IT IS HEREBY RECOMMENDED as follows: 7 1. This action be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and 8 2. The Clerk of the Court be directed to close this case. 9 These findings and recommendations are submitted to the United States District Judge 10 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 11 | after being served with these findings and recommendations, plaintiff may file written objections 12 || with the court and serve a copy on all

parties. Such a document should be captioned “Objections 13 || to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 14 || objections within the specified time may waive the right to appeal the District Court’s order. 15 || Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 16 | Dated: May 22, 2025 / ae □□ / a Ly a

"7 CAROLYNK.DELANEY

18 UNITED STATES MAGISTRATE JUDGE

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