UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM MICHAEL KENDALL, Plaintiff, v. BRAZIL, et al., Defendants.	No. 2:24-cv-3801 DAD CSK P FINDINGS & RECOMMENDATIONS

On September 2, 2025, this Court dismissed plaintiff's first amended complaint and granted plaintiff thirty days to file a second amended complaint. (ECF No. 26.) On October 3, 2025, plaintiff was granted an additional sixty days in which to file an amended complaint. (ECF No. 30.) Sixty days from that date have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

In recommending this action be dismissed for failure to prosecute, the Court has considered "(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." Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot move forward without plaintiff's participation, the Court finds the factors weigh in favor of dismissal.

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Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 11, 2025

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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