UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVON KEITH WEBB,

Plaintiff,

v.

USHIP and GoDADDY.,

Defendants.

No. 2:25-cv-2043 DJC AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On September 23, 2025, the court granted plaintiff's in forma pauperis ("IFP") application but rejected the complaint, granting plaintiff 30 days to file an amended complaint. ECF No. 3. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiff did not file an amended complaint within the time limit. On October 29, 2025, the court issued an order to show cause by November 12, 2025 why this case should not be dismissed for failure to prosecute. ECF No. 4. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

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

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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.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). 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: November 20, 2025

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE