

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sanchez v. Johnson

Sanchez · No. 2:24-cv-2737-JDP (P) · Decided March 18, 2025

SUMMARY

The court recommends dismissal without prejudice of Mario Sanchez’s action for failure to prosecute, failure to comply with court orders, and failure to state a claim. The recommendation follows plaintiff’s failure to file an amended complaint or respond to an order to show cause despite prior warnings, and it directs the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 18, 2025
DOCKET	2:24-cv-2737-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a pro se prisoner civil-rights action.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with court orders is evaluated under the court's inherent docket-control authority and the five Ferdik factors: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the public policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; no reporter citation or precedential designation appears in the source.

TOPICS

- sanctions
- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute and failure to comply with orders requiring an amended complaint and a response to the order to show cause.
2. Whether the balance of the required dismissal factors supports dismissal after plaintiff received an express warning and failed to comply.

HOLDINGS

1. A court may dismiss an action when a party fails to prosecute, obey a court order, or comply with applicable local rules, and the balance of the applicable factors supported dismissal without prejudice here.

KEY QUOTATIONS

"The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal." (at 1)

"Accordingly, I find that the balance of factors weighs in favor of dismissal." (at 2)

FACTUAL BACKGROUND

The court determined that Mario Sanchez's complaint did not state a claim and ordered him to file an amended complaint within thirty days. Although the court granted his request for an additional thirty days, Sanchez did not file an amended complaint or otherwise respond. After the court issued an order to show cause warning that noncompliance would result in a recommendation of dismissal, Sanchez again failed to respond.

PROCEDURAL HISTORY

The court screened plaintiff's complaint and found that it failed to state a claim, then ordered him to file an amended complaint. After granting an extension, the court issued an order to show cause when plaintiff failed to amend or otherwise respond. Plaintiff again failed to respond, and the magistrate judge recommended dismissal without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-62 (9th Cir. 1992)

- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. United States Postal Service, 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MARIO SANCHEZ, Case No. 2:24-cv-2737-JDP (P) 12 Plaintiff, 13 v.
ORDER; FINDINGS AND RECOMMENDATIONS 14 JOHNSON, et al., 15 Defendants. 16 17
On October 18, 2024, I screened plaintiff's complaint and notified him that it did not state 18 a
claim. ECF No. 5. I ordered him to file, within thirty days, an amended complaint.

Id. On 19 December 12, 2024, I granted plaintiff's request for an additional thirty days to file an
amended 20 complaint. ECF No. 10. Plaintiff failed to timely file an amended complaint or
otherwise to 21 respond to the court order.

Therefore, on February 14, 2025, I ordered plaintiff to show cause 22 why this action should not
be dismissed for his failure to prosecute, failure to comply with court 23 orders, and failure to state
a claim. ECF No. 11. I notified plaintiff that if he wished to continue 24 with this lawsuit, he must
file an amended complaint. I also warned plaintiff that failure to 25 comply with the February 14,
2025 order would result in a recommendation that this action be 26 dismissed.

Id. The deadline for plaintiff to file an amended complaint and response to the order 27 to show
cause has passed without word from plaintiff. 28 The court has the inherent power to control its
docket and may, in the exercise of that 1 power, impose sanctions where appropriate, including
dismissal. *Bautista v. Los Angeles Cnty.*, 2 216 F.3d 837, 841 (9th Cir.

2000); see Local Rule 110 ("Failure of counsel or of a party to 3 comply with these Rules or with
any order of the Court may be grounds for imposition by the 4 Court of any and all sanctions...
within the inherent power of the Court."). 5 A court may dismiss an action based on a party's
failure to prosecute an action, failure to 6 obey a court order, or failure to comply with local rules.

See *Ghazali v. Moran*, 46 F.3d 52, 53-54 7 (9th Cir. 1995) (dismissal for noncompliance with local
rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 8 1260-61 (9th Cir. 1992) (dismissal for failure to comply
with an order to file an amended 9 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.
1988) (dismissal for failure to 10 comply with local rule requiring pro se plaintiffs to keep court
apprised of address); *Malone v. 11 U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court 12 order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of 13 prosecution and failure to comply with local rules).

14 In recommending that this action be dismissed for failure to comply with court orders, I 15
have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 16
need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 17
favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.”
18 *Ferdik*, 963 F.2d at 1260-61 (citation omitted).

19 Here, plaintiff has failed to respond to court orders directing him to file an amended 20
complaint. See ECF Nos. 10 & 11. Therefore, the public interest in expeditious resolution of 21
litigation, the court’s need to manage its docket, and the risk of prejudice to the defendants all 22
support imposition of the sanction of dismissal. Lastly, the court’s warning to plaintiff that 23
failure to obey court orders will result in dismissal satisfies the “considerations of the 24
alternatives” requirement.

Ferdik, 963 F.2d at 1262; *Malone*, 833 at 132-33; *Henderson*, 779 25 F.2d at 1424. The February
14, 2025 order expressly warned plaintiff that his failure to comply 26 with court orders would
result in dismissal. ECF No. 11. Plaintiff had adequate warning that 27 dismissal could result from
his noncompliance.

Accordingly, I find that the balance of factors 28 weighs in favor of dismissal. 1 Accordingly, it is
hereby ORDERED that the Clerk of Court assign a district judge to this 2 | matter. 3 Further, it is
hereby RECOMMENDED that: 4 1. This action be DISMISSED without prejudice for failure to
prosecute, failure to 5 | comply with court orders, and failure to state a claim for the reasons set
forth in the February 14, 6 | 2025 order.

See ECF No. 11. 7 2. The Clerk of Court be directed to close the case. 8 These findings and
recommendations are submitted to the United States District Judge 9 | assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 10 | service of these
findings and recommendations, any party may file written objections with the 11 | court and serve
a copy on all parties.

Any such document should be captioned “Objections to 12 | Magistrate Judge’s Findings and
Recommendations,” and any response shall be served and filed 13 | within fourteen days of service
of the objections. The parties are advised that failure to file 14 | objections within the specified
time may waive the right to appeal the District Court’s order. See 15 | *Turner v. Duncan*, 158 F.3d
449, 455 (9th Cir.

1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 16 1991). 17 18 IT IS SO ORDERED. 19 (q Sty
— Dated: _ March 18, 2025 q—— 20 JEREMY D. PETERSON UNITED STATES
MAGISTRATE JUDGE 22 23 24 25 26 27 28

