

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Adam Randolph Powell v. Jeff Lynch

Powell v. Lynch · No. 2:22-CV-1493-DAD-DMC-P · Decided October 14, 2025

SUMMARY

These Findings and Recommendations address Plaintiff Adam Randolph Powell’s failure to comply with court orders in his 42 U.S.C. § 1983 action against Jeff Lynch. The magistrate judge recommends dismissal without prejudice for lack of prosecution and failure to comply with court rules and orders, subject to objections within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
DECIDED	October 14, 2025
DOCKET	2:22-CV-1493-DAD-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a United States magistrate judge recommending dismissal of a prisoner's 42 U.S.C. § 1983 action without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	Before imposing dismissal as a sanction, the court weighs five factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to opposing parties, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final disposition by the district judge in the source text.
PARTIES	Adam Randolph Powell v. Jeff Lynch

TOPICS

- sanctions
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders.
2. Whether the five-factor dismissal-sanction analysis supports dismissal after Plaintiff failed to comply with the order directing amendment or a motion for leave to amend.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to comply with the court's prior orders despite a warning that noncompliance could result in dismissal.

KEY QUOTATIONS

“The Court must weigh five factors before imposing the harsh sanction of dismissal.” (at 1)

“Having considered these factors, and in light of Plaintiff’s failure to comply with the Court’s prior orders, the Court finds that dismissal of this action is appropriate.” (at 2)

“Based on the foregoing, the undersigned recommends that this action be dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and orders.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a prisoner proceeding pro se, failed to comply with an August 15, 2025 order directing him to file an amended complaint against Defendant Lynch, file an amended complaint against Lynch and others based on a stipulation, or move for leave to amend under Federal Rule of Civil Procedure 15. Plaintiff did not comply within the 30-day period and had previously been warned that failure to follow court orders could result in dismissal.

PROCEDURAL HISTORY

Plaintiff, a prisoner proceeding pro se, brought this § 1983 action. After the court directed him to file an amended complaint or seek leave to amend within 30 days, Plaintiff failed to comply despite prior warnings that noncompliance could result in dismissal. The magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)

- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA
 ADAM RANDOLPH POWELL, No. 2:22-CV-1493-DAD-DMC-P
 Plaintiff, v. FINDINGS AND RECOMMENDATIONS
 JEFF LYNCH, Defendant.
 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On August 15, 2025, the Court issued an order directing Plaintiff to do one of the following within 30 days: (1) file a first amended complaint as against Defendant Lynch only consistent with the District Judge's September 11, 2024, order; (2) file a first amended complaint against Defendant Lynch and others based on Defendant's stipulation; or (3) file a motion for leave to amend pursuant to Federal Rule of Civil Procedure 15.

See ECF No. 38. To date, Plaintiff has not complied despite having been previously warned that failure to comply with the Court's orders could result in dismissal of the entire action. The Court must weigh five factors before imposing the harsh sanction of dismissal. See *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.

1987). Those factors are: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its own docket; (3) the risk of prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions. See *id.*; see also *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.

1995) (per curiam). A warning that the action may be dismissed as an appropriate sanction is considered a less drastic alternative sufficient to satisfy the last factor. See *Malone*, 833 F.2d at 132-33 &n.1.

The sanction of dismissal for lack of prosecution is appropriate where there has been unreasonable delay. See *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an order to file an amended complaint. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

1992). Having considered these factors, and in light of Plaintiff's failure to comply with the Court's prior orders, the Court finds that dismissal of this action is appropriate. Based on

the foregoing, the undersigned recommends that this action be dismissed, 13 || without prejudice, for lack of prosecution and failure to comply with court rules and orders.

14 These findings and recommendations are submitted to the United States District 15 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days 16 || after being served with these findings and recommendations, any party may file written 17 || objections with the court. Responses to objections shall be filed within 14 days after service of 18 || objections.

Failure to file objections within the specified time may waive the right to appeal. See 19 | Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 20 21 | Dated: October 10, 2025 Co 22 DENNIS M. COTA
3 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28