

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jacques v. Dobbs

Jacques · No. No. 2:24-cv-00478-DJC-EFB (PC) · Decided July 17, 2025

SUMMARY

The court recommends dismissal without prejudice of Michael E. Jacques’s 42 U.S.C. § 1983 action because he failed to pay the \$405 filing fee within the court-ordered deadline. The findings and recommendations advise the parties of the fourteen-day period for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 17, 2025
DOCKET	No. 2:24-cv-00478-DJC-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 was ordered to pay the filing fee. After he failed to do so within the court-ordered period, the magistrate judge issued findings and recommendations recommending dismissal without prejudice.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final district-court order in the source.
PARTIES	Michael E. Jacques v. M. Dobbs

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to pay the court-ordered filing fee after receiving a warning that noncompliance would result in dismissal.

KEY QUOTATIONS

“Accordingly, it is *RECOMMENDED* that this action be *DISMISSED* without prejudice.” (1)

FACTUAL BACKGROUND

Plaintiff is a state inmate proceeding without counsel in an action under 42 U.S.C. § 1983. The court ordered him to pay a \$405 filing fee within 30 days and expressly warned that noncompliance would result in dismissal without prejudice. The deadline passed without payment.

PROCEDURAL HISTORY

The action was referred to the magistrate judge under Local Rule 302 and 28 U.S.C. § 636(b)(1). On May 22, 2025, the court ordered plaintiff to pay the \$405 filing fee within 30 days and warned that failure to comply would result in dismissal without prejudice. Plaintiff did not pay the fee, so the magistrate judge recommended dismissal and advised the parties of their right to object.

DISPOSITION

other

CASES CITED

- 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 MICHAEL E. JACQUES, No. 2:24-cv-00478-DJC-EFB (PC) 12 Plaintiff,
13 v. FINDINGS AND RECOMMENDATIONS 14 M. DOBBS, 15 Defendant. 16 17 Plaintiff, a
state inmate, proceeds without counsel in an action brought under 42 U.S.C. § 18 1983. This
proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 19 636(b)(1).

20 On May 22, 2025, the court ordered plaintiff to pay the \$405 filing fee within 30 days. 21 ECF
No. 17. The order warned plaintiff that failure to comply would result in dismissal of the 22 action
without prejudice.

The time for acting has now passed and plaintiff has not paid the fee. 23 Accordingly, it is
RECOMMENDED that this action be DISMISSED without prejudice. 24 These findings and
recommendations are submitted to the United States District Judge 25 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 26 after being served

with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties.

Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections.

The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991).
Le fee 6 | Dated: July 17, 2025
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