

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Standridge v. Amador County

No. 2:22-cv-1534 KJN P (E.D. Cal. Mar. 8, 2023) · No. No. 2:22-cv-1534 KJN P · Decided March 8, 2023

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Barry Standridge’s 42 U.S.C. § 1983 action against Amador County without prejudice under Federal Rule of Civil Procedure 41(b) for failure to oppose a pending motion and comply with a court order. The magistrate judge applies the five-factor dismissal framework from *Ferdik v. Bonzelet* and directs the Clerk to assign a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Kendall J. Newman
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 8, 2023
DOCKET	No. 2:22-cv-1534 KJN P
DISPOSITION	other
PROCEDURAL POSTURE	A county jail inmate brought a 42 U.S.C. § 1983 civil rights action. After plaintiff failed to oppose a pending motion despite a court order and warning that noncompliance could lead to dismissal under Federal Rule of Civil Procedure 41(b), the magistrate judge recommended dismissal without prejudice for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	Dismissal under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order is evaluated under five factors: the public interest in expeditious resolution, the court’s need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Barry Standridge v. County of Amador

TOPICS

civil procedure

sanctions

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section 1983

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because plaintiff failed to comply with a court order and failed to prosecute the action.
2. Whether the five Ferdik factors supported dismissal despite the public policy favoring resolution of cases on their merits.

HOLDINGS

1. A district court may dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to comply with a court order.
2. The first, second, third, and fifth factors strongly favored dismissal and outweighed the fourth factor, the public policy favoring disposition on the merits.

KEY QUOTATIONS

“Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with any order of the court.” (at 1)

“The fourth factor, public policy favoring disposition of cases on their merits, weighs against dismissal of this action as a sanction.” (at 2)

“Under the circumstances of this case, those factors outweigh the general public policy favoring disposition of cases on their merits.” (at 3)

FACTUAL BACKGROUND

Plaintiff was a county jail inmate proceeding without counsel in a § 1983 action. The court ordered him to respond to a pending motion within thirty days and expressly warned that failure to respond could result in dismissal for failure to prosecute and failure to comply with court rules and a court order. Plaintiff failed to file any response, and defendant moved to dismiss based on that failure.

PROCEDURAL HISTORY

Plaintiff filed the action on August 31, 2022. On January 23, 2023, the court ordered plaintiff to file an opposition or statement of non-opposition within thirty days and warned that failure to do so could result in dismissal. Plaintiff did not respond, defendant moved to dismiss on March 2, 2023, and the magistrate judge recommended dismissal without prejudice under Rule 41(b), subject to review by an assigned district judge.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-63 (9th Cir. 1992)
- *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

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