

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lucio Justo Ramos Carrillo v. Unknown

Ramos Carrillo · No. 2:25-cv-2315-JDP (P) · Decided October 10, 2025

SUMMARY

This is an Order to Show Cause issued by the United States District Court for the Eastern District of California in Ramos Carrillo v. Unknown. The court directs petitioner to explain within twenty-one days why the action should not be dismissed for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders, and directs petitioner to pay the fee or submit an in forma pauperis application.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
DECIDED	October 10, 2025
DOCKET	2:25-cv-2315-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Habeas petitioner failed to pay the filing fee or submit an application to proceed in forma pauperis after being ordered to do so. The court issued an order to show cause before recommending dismissal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lucio Justo Ramos Carrillo v. Unknown

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- federal habeas corpus

QUESTIONS PRESENTED

- Whether the court should require petitioner to show cause why the action should not be dismissed for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders.

2. Whether petitioner should be given an additional twenty-one days to pay the filing fee or submit a complete application to proceed in forma pauperis.

HOLDINGS

1. A district court may dismiss a case for failure to prosecute or failure to comply with court orders or local rules, although involuntary dismissal is a harsh penalty.

KEY QUOTATIONS

“Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties.” (1)

“Petitioner’s failure to respond to this order will constitute a failure to comply with a court order and will result in a recommendation that this action be dismissed.” (1-2)

FACTUAL BACKGROUND

The court had previously ordered petitioner to submit either the \$5 filing fee or an application for leave to proceed in forma pauperis within thirty days. As of the order to show cause, petitioner had done neither. The court therefore required petitioner to explain why the action should not be dismissed for failure to pay the fee, failure to prosecute, and failure to comply with court orders.

PROCEDURAL HISTORY

On August 20, 2025, the court ordered petitioner to submit within thirty days either the \$5 filing fee or an application for leave to proceed in forma pauperis. Petitioner had done neither by October 10, 2025. The court ordered petitioner to show cause within twenty-one days why the action should not be dismissed and directed him either to pay the filing fee or submit a complete in forma pauperis application.

DISPOSITION

other

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 LUCIO JUSTO RAMOS CARRILLO, Case No. 2:25-cv-2315-JDP (P) 12
Petitioner, 13 v. ORDER TO SHOW CAUSE 14 UNKNOWN, 15 Respondent. 16 17 On August
20, 2025, I ordered petitioner to submit, within thirty days, either the \$5 filing 18 fee or an
application for leave to proceed in forma pauperis.

ECF No. 3. To date, petitioner has 19 done neither. 20 To manage its docket effectively, the court imposes deadlines on litigants and requires 21 litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to 22 prosecute or failure to comply with its orders or local rules. See Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir.

2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court 25 has a duty to administer justice expeditiously and avoid needless burden for the parties. See 26 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 27 Petitioner will be given a chance to explain why the court should not dismiss the case for 28 his failure either to pay the filing fee or to submit an application for leave to proceed in forma 1 | pauperis.

Petitioner's failure to respond to this order will constitute a failure to comply with a 2 | court order and will result in a recommendation that this action be dismissed. Accordingly, 3 | petitioner is ordered to show cause within twenty-one days why this case should not be dismissed 4 | for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders.

5 | Should petitioner wish to continue with this action, he shall, within twenty-one days, either pay 6 | the \$5 filing fee or submit a complete application for leave to proceed in forma pauperis. The 7 | Clerk of Court is directed to send to petitioner the court's form application for leave to proceed in 8 | forma pauperis. 9 10 IT IS SO ORDERED. Dated: _ October 10, 2025 Q_—_—.

12 JEREMY D. PETERSON 3 UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20
21 22 23 24 25 26 27 28