

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ronald G. Ollivier v. Douglas Proudy, et al.

Ollivier v. Proudy · No. 2:25-cv-02028 DC SCR P · Decided October 21, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Ronald G. Ollivier’s 42 U.S.C. § 1983 action without prejudice. The recommendation is based on plaintiff’s failure to pay the filing fee or submit a completed in forma pauperis application and failure to comply with an order to show cause.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 21, 2025
DOCKET	2:25-cv-02028 DC SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendation by a United States magistrate judge recommending dismissal without prejudice of a pro se prisoner civil-rights action for failure to pay filing fees and failure to comply with a court order.
STANDARD OF REVIEW	Dismissal for failure to comply with court orders and failure to pay required filing fees, evaluated under the court’s inherent docket-management authority and the five-factor test stated in <i>Ferdik v. Bonzelet</i> .
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendation; not a final district court decision.
PARTIES	Ronald G. Ollivier v. Douglas Proudy, et al.

TOPICS

- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

civil rights

federal civil procedure

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to pay the filing fee or submit a completed in forma pauperis application.
2. Whether the action should be dismissed for plaintiff's failure to comply with the court's order to show cause.

HOLDINGS

1. The magistrate judge recommended dismissing the action without prejudice because plaintiff failed to pay the filing fees, failed to submit a completed in forma pauperis application, and failed to respond to the order to show cause.

KEY QUOTATIONS

"Accordingly, IT IS HEREBY RECOMMENDED that the action be dismissed without prejudice for failure to pay the filing fees and for failure to comply with a court order." (at 16-17)

FACTUAL BACKGROUND

Plaintiff, formerly incarcerated in county jail, filed a pro se civil-rights action under 42 U.S.C. § 1983 challenging conduct during his state criminal proceedings. He also filed an incomplete application to proceed in forma pauperis. Despite receiving an opportunity to correct the application and an order to show cause warning that noncompliance could result in dismissal, plaintiff neither filed a completed application nor responded to the order.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint and an application to proceed in forma pauperis on July 21, 2025. After notifying plaintiff that the application was incomplete and allowing thirty days to correct it, the magistrate judge issued an order to show cause when plaintiff failed to submit a completed application. Plaintiff did not respond within the prescribed twenty-one days, prompting this recommendation of dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Martinez v. Ylst, 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 RONALD G. OLLIVIER, No. 2:25-cv-02028 DC SCR P 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATION 14 DOUGLAS PROUDY, et al., 15 Defendants. 16 17
Plaintiff, who was formerly incarcerated in county jail, is proceeding pro se with this civil 18
rights action under 42 U.S.C. § 1983.

Plaintiff filed a complaint and motion to proceed in forma 19 pauperis on July 21, 2025. (ECF
Nos. 1, 2.) The complaint appears to challenge actions of the 20 Superior Court Judge, District
Attorney, Deputy District Attorney, and Public Defender during 21 plaintiff's state criminal
proceedings. (See ECF No. 1 at 3.) 22 On August 4, 2025, the undersigned notified plaintiff that
his in forma pauperis 23 application was incomplete and granted him thirty days to file a
completed application.

(ECF No. 24 4.) After plaintiff did not resubmit an in forma pauperis application,¹ the undersigned
issued an 25 order to show cause on September 10, 2025. (ECF No. 10.) The order advised
plaintiff that a 26 27 1 In that time, plaintiff did file what appeared to be missing pages of his
complaint that the court docketed as supplements. (ECF Nos. 5, 7.) Plaintiff also filed
correspondence with an attorney 28 regarding a \$200 deposit into his commissary account.

(ECF No. 6.) 1 | failure to respond within 21 days would result in the recommendation that the
action be dismissed 2 || for failure to pay the filing fee and comply with a court order. 3 More than
21 days have passed, and plaintiff has not responded to the order to show 4 || cause.

Accordingly, the undersigned recommends that the action be dismissed for failure to pay 5 || the
filing fees and failure to comply with a court order. See *Olivares v. Marshall*, 59 F.3d 109, 6 | 112
(9th Cir. 1995) (affirming dismissal for failure to pay partial filing fee under IFP statute); 7 || Local
Rule 110 (failure to comply with court orders).

In recommending this action be dismissed, 8 | the court has considered “(1) the public's interest in
expeditious resolution of litigation; (2) the 9 || court's need to manage its docket; (3) the risk of
prejudice to the defendants; (4) the public policy 10 | favoring disposition of cases on their merits;
and (5) the availability of less drastic alternatives.” 11 | *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-
61 (9th Cir.

1992) (citation omitted). Dismissal is 12 | appropriate here where the undersigned granted plaintiff
multiple extensions of time to file a 13 | completed in forma pauperis application and warned
plaintiff that his failure to do so will result in 14 || the recommendation that the action be
dismissed. 15 CONCLUSION 16 Accordingly, IT IS HEREBY RECOMMENDED that the action
be dismissed without 17 || prejudice for failure to pay the filing fees and for failure to comply with
a court order.

18 These findings and recommendations are submitted to the United States District Judge 19 |
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
20 | after being served with these findings and recommendations, plaintiff may file written
objections 21 | with the court. Such a document should be captioned “Objections to Magistrate
Judges Findings 22 || and Recommendations.” Plaintiff is advised that failure to file objections
within the specified 23 || time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 24 | (9th Cir. 1991). 25 || DATED: October 20, 2025 26 ☐☐ 27
SEAN C. RIORDAN 38 UNITED STATES MAGISTRATE JUDGE