

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

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

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

OPINION

Proudly

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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