

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Fortino Espinosa v. U.S. Social Security Department

Case No. CV 23-0008 GW (MRW), Document 15 · No. 2:23-cv-00008-GW-MRW · Decided March 9, 2023

SUMMARY

The United States District Court for the Central District of California dismissed a pro se plaintiff’s duplicative action alleging misconduct by the Social Security Administration and seeking punitive damages. The court dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b) after the plaintiff failed to respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	George H. Wu
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 9, 2023
DOCKET	2:23-cv-00008-GW-MRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed a pro se plaintiff's duplicative action after he failed to respond to an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Fortino Espinosa v. U.S. Social Security Department

TOPICS

- motions to dismiss
- civil procedure
- administrative law
- ada / disability

PRACTICE AREAS

- civil procedure
- administrative law
- Social Security disability benefits

QUESTIONS PRESENTED

- Whether the district court could dismiss the action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to comply with the order to show cause.

2. Whether dismissal with prejudice was appropriate in light of the duplicative nature of the action, the apparent failure to state a claim, and the plaintiff's failure to prosecute.

HOLDINGS

1. A district court may sua sponte dismiss a civil action under Rule 41(b) when the plaintiff fails to prosecute or comply with a court order, including an order requiring a response and warning of possible dismissal.
2. Dismissal with prejudice was appropriate because the plaintiff abandoned the action by failing to respond to the order to show cause, the action was duplicative and facially deficient, and no lesser sanction would effectively advance the case.

KEY QUOTATIONS

“Dismissal of a civil action under Rule 41 may be appropriate to advance the public’s interest in the expeditious resolution of litigation, the court’s need to manage its docket, and to avoid the risk of prejudice to defendants.” (3)

“The Court concludes that dismissal is appropriate under Rule 41(b).” (4)

“Dismissal under Rule 41(b) ordinarily “operates as an adjudication on the merits” of a claim.” (4)

FACTUAL BACKGROUND

Espinosa filed a second action on the same day as another Social Security-related case, alleging what appeared to be a tort claim against the United States and seeking \$5 million in punitive damages for alleged misconduct by the Social Security Administration. The magistrate judge screened the complaint and ordered Espinosa to explain why the action stated a legitimate cause of action or to dismiss it voluntarily. Espinosa did not respond by the deadline.

PROCEDURAL HISTORY

Espinosa filed two actions concerning his failure to obtain Social Security disability benefits. In this action, the magistrate judge screened the complaint, found that it did not identify a statute or facts plausibly supporting the requested tort recovery and might implicate sovereign immunity, and ordered Espinosa to show cause why the case should not be dismissed or to voluntarily dismiss it. Espinosa filed no response, and the district court dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962)
- Harris v. Magnum, 863 F.3d 1133, 1142 (9th Cir. 2017)
- Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 892 (9th Cir. 2019)

- Omstead v. Dell, Inc., 594 F.3d 1081, 1084 (9th Cir. 2010)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)

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