

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Christopher Gonzalez v. Governor Joe Lombardo, et al.

Gonzalez · No. 2:25-cv-01573-APG-EJY · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed Christopher Gonzalez’s 42 U.S.C. § 1983 action without prejudice after he failed to file a complete application to proceed in forma pauperis or pay the required filing fee. The court concluded that the relevant dismissal factors favored dismissal for failure to comply with the magistrate judge’s order and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 19, 2025
DOCKET	2:25-cv-01573-APG-EJY
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the plaintiff's § 1983 action without prejudice after he failed to file a complete application to proceed in forma pauperis or pay the filing fee as ordered.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal under the district court's inherent docket-management authority and for failure to obey a court order.
PRECEDENTIAL VALUE	unknown
PARTIES	Christopher Gonzalez v. Governor Joe Lombardo, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights
- government liability

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice based on Gonzalez's failure to comply with the order requiring a complete IFP application or payment of the filing fee.
2. Whether the five dismissal factors, including the availability of less drastic alternatives, favored dismissal.

HOLDINGS

1. A district court may dismiss an action under its inherent docket-management authority when a party fails to obey a court order or otherwise fails to comply with applicable court requirements.
2. Dismissal was warranted because the public interest in expeditious resolution, the court's need to manage its docket, the presumption of prejudice from unreasonable delay, and the lack of a meaningful less drastic alternative outweighed the policy favoring disposition on the merits.

KEY QUOTATIONS

"I THEREFORE ORDER that this action is dismissed without prejudice based on Christopher Gonzalez's failure to file a fully complete application to proceed in forma pauperis or pay the full \$405 filing fee in compliance with the magistrate judge's September 29, 2025, order." (at 3)

FACTUAL BACKGROUND

Christopher Gonzalez brought a § 1983 civil-rights action alleging constitutional violations suffered while incarcerated at High Desert State Prison. The magistrate judge ordered him to file a fully complete IFP application or pay the \$405 civil filing fee by November 28, 2025. Gonzalez neither responded nor complied by the deadline.

PROCEDURAL HISTORY

Gonzalez filed a civil-rights action concerning alleged constitutional violations during his incarceration. A magistrate judge ordered him to submit a complete IFP application or pay the \$405 filing fee by November 28, 2025, and warned that failure to comply could result in dismissal. Gonzalez did not respond or comply, so the district court dismissed the action without prejudice and closed the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440–41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)

- *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Christopher Gonzalez,
Case No.: 2:25-cv-01573-APG-EJY 4 Plaintiff Order Dismissing and Closing Case 5 v. 6
Governor Joe Lombardo, et al., 7 Defendants 8 9 Christopher Gonzalez brings this civil-rights
action under 42 U.S.C. § 1983 to redress 10 constitutional violations that he claims he suffered
while incarcerated at High Desert State 11 Prison.

ECF No. 1-1. On September 29, 2025, the magistrate judge ordered Gonzalez to file a 12 fully
complete application to proceed in forma pauperis (IFP) or pay the full \$405 filing fee for a 13
civil action by November 28, 2025. ECF No. 3.

The magistrate judge warned Gonzalez that the 14 action could be dismissed if he failed to timely
comply. *Id.* at 2. That deadline expired without 15 any response or compliance by Gonzalez. 16 I.
Discussion 17 District courts have the inherent power to control their dockets and “[i]n the
exercise of 18 that power, they may impose sanctions including, where appropriate... dismissal” of
a case.

19 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court
may 20 dismiss an action based on a party’s failure to obey a court order or comply with local
rules. See 21 *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for
failure to comply 22 with local rule requiring pro se plaintiffs to keep court apprised of address);
Malone v. U.S. 23 *Postal Service*, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court 1 order). In determining whether to dismiss an
action on one of these grounds, I must consider: 2 (1) the public’s interest in expeditious resolution
of litigation; (2) the court’s need to manage its 3 docket; (3) the risk of prejudice to the defendants;
(4) the public policy favoring disposition of 4 cases on their merits; and (5) the availability of less
drastic alternatives.

See *In re 5 Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting
Malone, 6 833 F.2d at 130). 7 The first two factors, the public’s interest in expeditiously resolving
this litigation and the 8 court’s interest in managing its docket, weigh in favor of dismissal of
Gonzalez’s claims.

The 9 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a 10
presumption of injury arises from the occurrence of unreasonable delay in filing a pleading 11
ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th 12
Cir. 1976).

The fourth factor, the public policy favoring disposition of cases on their merits, is 13 greatly outweighed by the factors favoring dismissal. 14 The fifth factor requires me to consider whether less drastic alternatives can be used to 15 correct the party's failure that brought about the court's need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic 17 alternatives before the party has disobeyed a court order does not satisfy this factor); accord 18 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not exhaust every 19 sanction short of dismissal before finally dismissing a case, but must explore possible and 20 meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir.

1986). Because 21 this action cannot realistically proceed until and unless Gonzalez either files a complete IFP 22 application or pays the \$405 filing fee for a civil action, the only alternative is to enter a second 23 order setting another deadline. But the reality of repeating an ignored order is that it often only 1} delays the inevitable and squanders the court's finite resources.

The circumstances here do not indicate that this case will be an exception. Setting a second deadline is not a meaningful alternative given these circumstances. So the fifth factor favors dismissal. 4) Conclusion 5 Having thoroughly considered these dismissal factors, I find that they weigh in favor of 6|| dismissal. I THEREFORE ORDER that this action is dismissed without prejudice based on 7|| Christopher Gonzalez's failure to file a fully complete application to proceed in forma pauperis 8|| or pay the full \$405 filing fee in compliance with the magistrate judge's September 29, 2025, order.

The Clerk of Court is directed to enter judgment accordingly and close this case. If 10|| Gonzalez wishes to pursue his claims, he must file a complaint in a new case and either pay the 11|| required filing fee or file a complete application to proceed in forma pauperis. 12 Dated: December 19, 2025 13 GA ☐☐ Andrew P. Gordon 14 Chief United States District Judge 15 16 17 18 19 20 21 22 23