

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.

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*, 683 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 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

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