

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Northcutt v. Sacramento Sheriff's Department, et al.

Northcutt · No. 2:24-cv-2503-DJC-JDP (P) · Decided April 18, 2025

SUMMARY

The magistrate judge recommends dismissing Travis Shane Northcutt’s action against the Sacramento Sheriff’s Department and others without prejudice. The recommendation is based on failure to prosecute, failure to comply with court orders requiring an amended complaint, and failure to state a claim, subject to the parties’ right to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 18, 2025
DOCKET	2:24-cv-2503-DJC-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A magistrate judge screened plaintiff’s prisoner civil-rights complaint, ordered him to file an amended complaint because his claims could not proceed together, and later ordered him to show cause after he failed to comply. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey a court order, or failure to comply with local rules is evaluated under the applicable discretionary dismissal factors, including expeditious resolution, docket management, prejudice, disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Travis Shane Northcutt v. Sacramento Sheriff's Department, et al.

TOPICS

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

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with court orders.
2. Whether the court's prior warning satisfied the requirement that less drastic alternatives to dismissal be considered.
3. Whether the action should also be dismissed for failure to state a claim for the reasons identified in the January 29, 2025 screening order.

HOLDINGS

1. A court may dismiss an action when a plaintiff fails to prosecute, obey a court order, or comply with applicable local rules, and the relevant dismissal factors supported dismissal here.
2. The action should also be dismissed without prejudice for failure to state a claim for the reasons stated in the January 29, 2025 screening order.

KEY QUOTATIONS

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)

“In recommending that this action be dismissed for failure to comply with court orders, I have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.”” (at 2)

FACTUAL BACKGROUND

The court ordered Northcutt to file an amended complaint after determining that his claims could not proceed together. He failed to file the amended complaint or respond to the order. Despite a subsequent order to show cause and an express warning that continued noncompliance could result in dismissal, he did not respond.

PROCEDURAL HISTORY

On January 29, 2025, the court screened the complaint and ordered plaintiff to file an amended complaint within thirty days. Plaintiff did not timely amend or otherwise respond. On March 18, 2025, the court ordered plaintiff to show cause why the action should not be dismissed and again warned that noncompliance would result in a dismissal recommendation. After plaintiff failed to respond, the magistrate judge recommended dismissal without prejudice and closure of the case, subject to the parties' right to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

dismissed

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- *Malone v. United States Postal Service*, 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) *Northcutt v. Sacramento Sheriff's Dept.*

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TRAVIS SHANE NORTHCUTT, Case No. 2:24-cv-2503-DJC-JDP (P) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 SACRAMENTO SHERIFF'S

DEPARTMENT, et al., 15 Defendants. 16 17 On January 29, 2025, I screened plaintiff's complaint and notified him that all the claims 18 could not proceed together. ECF No. 10. I ordered him to file, within thirty days, an amended 19 complaint. Id. Plaintiff failed to timely file an amended complaint or otherwise to respond to the 20 court order. Therefore, on March 18, 2025, I ordered plaintiff to show cause why this action 21 should not be dismissed for his failure to prosecute and failure to comply with court orders. ECF

22 No. 13. I notified plaintiff that if he wished to continue with this lawsuit, he must file an 23 amended complaint. I also warned plaintiff that failure to comply with the March 18, 2025 order 24 would result in a recommendation that this action be dismissed. Id. The deadline for plaintiff to 25 file an amended complaint and response to the order to show cause has passed without word from 26 plaintiff. 27 The court has the inherent power to control its docket and may, in the exercise of that 28 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*, 1 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 ("Failure of counsel or of a party to 2 comply with these Rules or with any order of the Court may be grounds for imposition by the 3 Court of any and all sanctions . . . within the inherent power of the Court."). 4 A court may dismiss an action based on a party's failure to prosecute an action, failure to 5 obey a

court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 6 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 7 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order to file an amended 8 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 9 comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. 10 U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court 11 order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 12 prosecution and failure to comply with local rules). 13 In recommending that this action be dismissed for failure to comply with court orders, I 14 have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 15 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 16 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” 17 *Ferdik*, 963 F.2d at 1260-61 (citation omitted). 18 Here, plaintiff has failed to respond to court orders directing him to file an amended 19 complaint. See ECF Nos. 10 & 13. Therefore, the public interest in expeditious resolution of 20 litigation, the court’s need to manage its docket, and the risk of prejudice to the defendants all 21 support imposition of the sanction of dismissal. Lastly, the court’s warning to plaintiff that 22 failure to obey court orders will result in dismissal satisfies the “considerations of the 23 alternatives” requirement.¹ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132-33; *Henderson*, 779 24 F.2d at 1424. Plaintiff had adequate warning that dismissal could result from his noncompliance. 25 Accordingly, I find that the balance of factors weighs in favor of dismissal. 26 27 1 The March 18, 2025 order expressly warned plaintiff that his failure to comply with 28 court orders would result in dismissal. ECF No. 13. 1 Accordingly, it is hereby RECOMMENDED that: 2 1. This action be DISMISSED without prejudice for failure to prosecute, failure to 3 || comply with court orders, and failure to state a claim for the reasons set forth in the January 29, 4 | 2025 order. See ECF No. 10. 5 2. The Clerk of Court be directed to close the case. 6 These findings and recommendations are submitted to the United States District Judge 7 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 8 | service of these findings and recommendations, any party may file written objections with the 9 | court and serve a copy on all parties. Any such document should be captioned “Objections to 10 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 11 | within fourteen days of service of the objections. The parties are advised that failure to file 12 | objections within the specified time may waive the right to appeal the District Court’s order. See 13 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 14 | 1991). 15 16 IT IS SO ORDERED. 17 (1 Sy — Dated: _ April 17, 2025 Q———

18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE
20 21 22 23 24 25 26 27 28

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