

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christopher R. Castillo v. A. Ojeda, et al.

Castillo v. Ojeda · No. 1:25-cv-00569-CDB (PC) · Decided January 15, 2026

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 CHRISTOPHER R. CASTILLO, Case No. 1:25-cv-00569-CDB (PC) 12
Plaintiff, FINDINGS AND RECOMMENDATIONS 13 v. TO DISMISS ACTION WITHOUT
PREJUDICE FOR FAILURE TO COMPLY 14 A. OJEDA, et al., WITH COURT ORDERS AND
FAILURE TO PROSECUTE 15 Defendants. (Doc. 15) 16 17 21-DAY DEADLINE 18 Clerk of
the Court to Assign District Judge 19 20 Plaintiff Christopher R. Castillo is a state prisoner
proceeding pro se and in forma pauperis 21 in this civil rights action filed under 42 U.S.C. § 1983.

Plaintiff initiated this action with the filing 22 of a complaint on May 14, 2025. (Doc. 1). 23 I.
Background 24 On December 5, 2025, the undersigned issued the first screening order, finding
that 25 Plaintiff had pled certain cognizable claims and failed to cognizably allege other claims.
(Doc. 26 15). Plaintiff was directed to respond within 30 days by filing an amended complaint
curing the 27 deficiencies identified in the screening order, by filing a notice of his intent to stand
on the 28 complaint as screened, or by filing a notice of voluntary dismissal.

Id. at 17. Plaintiff was advised 1 therein that “[i]f Plaintiff fails to comply with this order, the
undersigned will recommend that this 2 action be dismissed for failure to obey the Court’s order
and failure to prosecute.” Id. (emphasis 3 omitted).

The screening order was served on Plaintiff. See (docket entry “Service by Mail,” dated 4
12/05/2025). 5 Plaintiff failed to file a response and the deadline to do so has passed. 6 II.
Governing Law and Analysis 7 A pro se plaintiff must comply with orders of the court. Local Rule
(“L.R.”) 183. Failure 8 to comply with a court order may be grounds for imposition of sanctions,
including dismissal or 9 any other sanction appropriate under the Local Rules.

L.R. 110, 183. The district court’s inherent 10 power to control its docket also allows the court to
impose sanctions, including dismissal of an 11 action. *Thompson v. Hous. Auth., City of Los
Angeles*, 782 F.2d 829, 831 (9th Cir. 1986); see L.R. 12 110. 13 In considering whether to dismiss
an action for failure to comply with a court order, the 14 Court must weigh the following factors:
“(1) the public’s interest in expeditious resolution of 15 litigation; (2) the court’s need to manage
its docket; (3) the risk of prejudice to the defendants; (4) 16 the availability of less drastic
alternatives; and (5) the public policy favoring disposition of cases 17 on their merits.” *Pagtalunan
v. Galaza*, 291 F.3d 639, 642 (9th Cir.

2002) (citing *Ferdik v. 18 Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992)). 19 The Ninth Circuit has explained that “[t]he public’s interest in expeditious resolution of 20 litigation always favors dismissal.” *Id.* (quoting *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)). Plaintiff has failed to advance and prosecute this case by responding to the first 22 screening order, thereby delaying resolution of this litigation.

Accordingly, this factor weighs in 23 favor of dismissal. 24 The Court’s need to manage its docket also weighs in favor of dismissal. “The trial judge 25 is in the best position to determine whether the delay in a particular case interferes with docket 26 management and the public interest... It is incumbent upon the Court to manage its docket 27 without being subject to routine noncompliance of litigants.” *Id.* Here, Plaintiff’s failure to 28 respond to the first screening order is delaying this case and interfering with docket management.

1 Therefore, the second factor also weighs in favor of dismissal. 2 With respect to the third factor, the risk of prejudice, “pendency of a lawsuit is not 3 sufficiently prejudicial in and of itself to warrant dismissal.” *Id.* at 642 (citing *Yourish*, 191 F.3d 4 at 991).

However, “delay inherently increases the risk that witnesses’ memories will fade and 5 evidence will become stale.” *Id.* at 643. Plaintiff’s failure to comply with the Court’s orders and 6 to prosecute this case is causing a delay.

The third factor also weighs in favor of dismissal. 7 As for the availability of lesser sanctions, at this stage in the proceedings there is little 8 available to the Court which would constitute a satisfactory lesser sanction while protecting the 9 Court from further, unnecessary expenditure of its scarce resources. Given Plaintiff’s 10 incarceration, monetary sanctions would be of little efficacy.

Moreover, at the early stage of these 11 proceedings, the preclusion of evidence or witnesses is not appropriate. The Ninth Circuit has 12 explained that “[a] district court need not exhaust every sanction short of dismissal before finally 13 dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 14 779 F.2d 1421, 1424 (9th Cir.

1986). “A district court’s warning to a party that his failure to obey 15 the court’s order will result in dismissal can satisfy the ‘consideration of alternatives’ 16 requirement.” *Ferdik*, 963 F.2d at 1262. Here, Plaintiff has been warned that failure to obey this 17 Court’s orders will result in a recommendation that this action be dismissed. (Doc. 15 at 17).

18 Additionally, because the dismissal being considered in this case is without prejudice, the Court 19 is stopping short of imposing the harshest possible sanction of dismissal with prejudice. 20 The fifth factor, the public policy favoring the disposition of cases on their merits, 21 ordinarily weighs against dismissal. See *In re Phenylpropanolamine Prods.*

Liab. Litig., 460 F.3d 22 1217, 1228 (9th Cir. 2006). However, because Plaintiff has disregarded the Court's orders, this 23 factor does not, therefore, weigh completely against dismissal. 24 After weighing these factors, the undersigned finds that dismissal without prejudice is 25 appropriate. 26 /// 27 /// 28 /// 1 II. Conclusion and Recommendation 2 The Clerk of the Court is directed to randomly assign a U.S. District Judge.

3 For the foregoing reasons, it is hereby RECOMMENDED: 4 1. This action be dismissed without prejudice for Plaintiff's failure to comply with 5 | the Court's orders and failure to prosecute this action; and 6 2. The Clerk of the Court be directed to close this case. 7 These Findings and Recommendations will be submitted to the United States District 8 | Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)().

Within 21 days 9 | after being served with a copy of these Findings and Recommendations, a party may file written 10 | objections with the Court. Local Rule 304(b). The document should be captioned, "Objections 11 | to Magistrate Judge's Findings and Recommendations" and shall not exceed 15 pages without 12 | leave of Court and good cause shown.

The Court will not consider exhibits attached to the 13 | Objections. To the extent a party wishes to refer to any exhibit(s), the party should reference the 14 | exhibit in the record by its CM/ECF document and page number, when possible, or otherwise 15 || reference the exhibit with specificity. Any pages filed in excess of the 15-page limitation may 16 | be disregarded by the District Judge when reviewing these Findings and Recommendations 17 | under 28 U.S.C. § 636(b)(C).

A party's failure to file any objections within the specified time 18 | may result in the waiver of certain rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 19 | (9th Cir. 2014). 20 | ☐ ☐ ☐
SO ORDERED. | Dated: _ January 14, 2026 | hr 2 UNITED STATES MAGISTRATE JUDGE 23
24 25 26 27 28