

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

In re Paxton P. Shanklin

Shanklin · No. 2:25-cv-01400-CDS-DJA · Decided November 21, 2025

OPINION

1 2 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 3 4 In Re: Case No. 2:25-cv-01400-CDS-DJA Paxton P. Shanklin 5 Order Dismissing and Closing Case 6 7 Plaintiff Paxton P. Shanklin is incarcerated in the custody of the Nevada Department of 8 Corrections.

On August 8, 2025, the magistrate judge ordered Shanklin to file a complaint and 9 either pay the full \$405 filing fee or file a complete application to proceed in forma pauperis by 10 November 7, 2025. ECF No. 3. That deadline has expired without any response by Shanklin. 11 I. Discussion 12 District courts have the inherent power to control their dockets and “[i]n the exercise of 13 that power, they may impose sanctions including, where appropriate... dismissal” of a case.

14 Thompson v. Hous. Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action 15 based on a party’s failure to obey a court order or comply with local rules. See Carey v. King, 856 16 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule 17 requiring pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Serv., 833 F.2d 128, 18 130 (9th Cir.

1987) (affirming dismissal for failure to comply with court order). In determining 19 whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s 20 interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the 21 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their 22 merits; and (5) the availability of less drastic alternatives.

See In re Phenylpropanolamine Prod. Liab. 23 Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone, 833 F.2d at 130). 24 The first two factors, the public’s interest in expeditiously resolving this litigation and the 25 court’s interest in managing its docket, weigh in favor of dismissal of Shanklin’s claims.

The third 26 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of 1 ||injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or 2 || prosecuting an action. See Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976).

The fourth factor— 3 || the public policy favoring disposition of cases on their merits—is greatly outweighed by the factors 4 favoring dismissal. 5 The fifth factor requires me to consider whether

less drastic alternatives can be used to 6 ||correct the party's failure that brought about the court's need to consider dismissal. See *Yourish v. Cal. 7 || Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic alternatives 8 || before the party has disobeyed a court order does not satisfy this factor); accord *Pagtalunan v. Galaga*, F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not exhaust every sanction short of dismissal 10 ||before finally dismissing a case, but must explore possible and meaningful alternatives." *Henderson v. 11 || Duncan*, 779 F.2d 1421, 1424 (9th Cir.

1986). Because this action cannot realistically proceed without 12 proper complaint, and this court cannot operate without collecting reasonable fees, the only 13 ||alternative is to enter a second order setting another deadline. But repeating an ignored order often 14 ||only delays the inevitable and further squanders the court's finite resources.

The circumstances here 15 ||do not indicate that this case will be an exception. Setting another deadline is not a meaningful 16 ||alternative given these circumstances. So the fifth factor favors dismissal. 17 Conclusion 18 Having thoroughly considered these dismissal factors, I find that they weigh in favor of 19 dismissal. I therefore order that this action is dismissed without prejudice based on Shanklin's 20 || failure to file a complaint and address the matter of the filing fee in compliance with the court's 21||order.

22 The Clerk of Court is kindly directed to enter judgment accordingly and close this case. 23 ||If Shanklin wishes to pursue his claims, he must file a complajetj and address the matter of the 24 fee in a new case. / / 25 Dated: November 21, 2025 LZ 26. Cristina' Silva United States District Judge XY