

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gradford v. US District Court, et al.

No. 2:25-CV-1955-DMC-P · No. No. 2:25-CV-1955-DMC-P · Decided September 4, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing William James Gradford Jr.'s pro se civil rights action without prejudice. The recommendation is based on his failure to resolve the case's fee status despite a court order and warning, constituting lack of prosecution and failure to comply with court rules and orders.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 4, 2025
DOCKET	No. 2:25-CV-1955-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff brought a civil rights action under 42 U.S.C. § 1983. After the court ordered him to resolve the fee status and warned that noncompliance could result in dismissal, he failed to comply. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
STANDARD OF REVIEW	Dismissal as a sanction for failure to prosecute or failure to comply with court rules or orders is evaluated under five factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to opposing parties, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; not a final disposition by the district court.
PARTIES	William James Gradford, Jr. v. US District Court, et al.

TOPICS

sanctions

civil procedure

civil rights

section 1983

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal court sanctions

QUESTIONS PRESENTED

1. Whether dismissal without prejudice was appropriate for plaintiff's failure to prosecute and failure to comply with the court's order to resolve fee status.
2. Whether the court's warning of possible dismissal constituted an adequate less drastic sanction before recommending dismissal.

HOLDINGS

1. After weighing the applicable five factors, the court found that dismissal without prejudice was appropriate because plaintiff failed to resolve the fee status as directed and failed to comply with court rules and orders.
2. A warning that the action may be dismissed is an adequate less drastic alternative for purposes of the dismissal analysis.

KEY QUOTATIONS

"The Court must weigh five factors before imposing the harsh sanction of dismissal." (at 1)

"Having considered these factors, and in light of Plaintiffs failure to resolve the fee status for this case as directed, the Court finds that dismissal of this action is appropriate." (at 2)

FACTUAL BACKGROUND

Plaintiff initiated a pro se civil rights action under 42 U.S.C. § 1983. The court directed him to resolve the fee status within 30 days and warned that failure to comply could result in dismissal, but plaintiff had not resolved the fee status as of the findings and recommendations.

PROCEDURAL HISTORY

On July 18, 2025, the court directed plaintiff to resolve the fee status within 30 days and warned that failure to do so could lead to dismissal for lack of prosecution and failure to comply with court orders. Plaintiff did not comply. The magistrate judge ordered random assignment of a district judge and recommended dismissal without prejudice, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice and allowed 14 days for objections, followed by 14 days for responses to objections.

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130, 132-33 & n.1 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Gradford v. US District Court

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 WILLIAM JAMES GRADFORD, JR., No. 2:25-CV-1955-DMC-P

12 Plaintiff, 13 v. ORDER 14 US DISTRICT COURT, et al., and 15 Defendants. FINDINGS AND
RECOMMENDATIONS 16 17 Plaintiff, who is proceeding pro se, brings this civil rights action
pursuant to 42 18 U.S.C. § 1983. 19 On July 18, 2025, the Court directed Plaintiff to resolve the
fee status for this case 20 within 30 days. Plaintiff was warned that failure to resolve the fee status
may result in dismissal 21 of this action for lack of prosecution and failure to comply with court
rules and orders. See Local

22 Rule 110. To date, Plaintiff has not complied.

23 The Court must weigh five factors before imposing the harsh sanction of dismissal. 24 See
Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); *Malone v. U.S. Postal* 25
Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in 26
expeditious resolution of litigation; (2) the Court's need to manage its own docket; (3) the risk of
27 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits;
28 and (5) the availability of less drastic sanctions. See *id.*; see also *Ghazali v. Moran*, 46 F.3d 52,
1 } 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an appropriate
2 || sanction is considered a less drastic alternative sufficient to satisfy the last factor. See *Malone*,
3 | 833 F.2d at 132-33 &n.1. The sanction of dismissal for lack of prosecution is appropriate where
4 || there has been unreasonable delay. See *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 5 ||
1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an 6 ||
order to file an amended complaint. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 7 |

1992). 8 Having considered these factors, and in light of Plaintiffs failure to resolve the fee 9 || status for this case as directed, the Court finds that dismissal of this action is appropriate. 10 Based on the foregoing, the undersigned orders and recommends as follows: 11 1. It is ORDERED that the Clerk of the Court is directed to randomly assign a 12 | District Judge to this case. 13 2. It is RECOMMENDED that this action be dismissed, without prejudice, 14 | for lack of prosecution and failure to comply with court rules and orders. 15 These findings and recommendations are submitted to the United States District 16 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days 17 || after being served with these findings and recommendations, any party may file written 18 || objections with the court. Responses to objections shall be filed within 14 days after service of 19 || objections. Failure to file objections within the specified time may waive the right to appeal. See 20 | Martinez v. YIst, 951 F.2d 1153 (9th Cir. 1991). 21 22 || Dated: September 2, 2025 = IS Co

23 DENNIS M. COTA

4 UNITED STATES MAGISTRATE JUDGE

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