

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.

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN
DISTRICT OF CALIFORNIA 10 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 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. Ylst, 951 F.2d 1153 (9th Cir. 1991). 21 22 || Dated: September 2, 2025 = IS Co 23 DENNIS M. COTA 4 UNITED STATES MAGISTRATE JUDGE 25 26 27 28