

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)

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