

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Diaz v. Samaloson

Diaz · No. 2:24-cv-2915-JDP (P) · Decided June 11, 2025

SUMMARY

The United States District Court for the Eastern District of California orders petitioner Juan Ramon Diaz to show cause within twenty-one days why his case should not be dismissed for failure to prosecute after he failed to respond to respondent's motion to dismiss. The court also directs petitioner to file an opposition or statement of non-opposition within the same period and warns that failure to comply will result in dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	2:24-cv-2915-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Respondent moved to dismiss the federal habeas case. Petitioner did not file an opposition or statement of non-opposition, so the court issued an order to show cause rather than immediately dismissing the action.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Juan Ramon Diaz v. S. Samaloson

TOPICS

- motions to dismiss
- federal habeas corpus
- civil procedure
- default

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure

QUESTIONS PRESENTED

1. Whether the court may dismiss a case for failure to prosecute or failure to comply with court orders or local rules.
2. Whether petitioner should be required to show cause and respond to respondent's motion to dismiss before the court considers dismissal.

HOLDINGS

1. A federal court may dismiss an action for failure to prosecute or failure to comply with court orders or local rules, including sua sponte dismissal under Federal Rule of Civil Procedure 41(b) under appropriate circumstances.
2. Immediate dismissal was not ordered; petitioner was given twenty-one days to show cause and to file an opposition or statement of non-opposition, with notice that failure to respond would result in dismissal.

KEY QUOTATIONS

“The court may dismiss a case for petitioner’s failure to prosecute or failure to comply with its orders or local rules.” (at 1)

“Petitioner’s failure to respond to this order will constitute a failure to comply with a court order and will result in dismissal of this case.” (at 1)

FACTUAL BACKGROUND

Respondent filed a motion to dismiss on May 2, 2025. Petitioner had not filed either an opposition to the motion or a statement of non-opposition by the date of the order. The court treated the failure to respond as potentially constituting a failure to prosecute and failure to comply with a court order or local rules.

PROCEDURAL HISTORY

Petitioner filed a habeas action under 28 U.S.C. § 2241. Respondent filed a motion to dismiss on May 2, 2025. After petitioner failed to respond, the court ordered him to show cause within twenty-one days why the case should not be dismissed for failure to prosecute and directed him to file an opposition or statement of non-opposition within the same period.

DISPOSITION

other

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JUAN RAMON DIAZ, Case No. 2:24-cv-2915-JDP (P) 12 Petitioner, 13 v.

ORDER 14 S. SAMALOSON, 15 Respondent. 16 17 On May 2, 2025, respondent filed a motion to dismiss. ECF No. 4.

To date, petitioner 18 has not filed an opposition or statement of non-opposition. 19 To manage its docket effectively, the court imposes deadlines and requires litigants to 20 meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure 21 to comply with its orders or local rules. See Fed. R. Civ. P. 41; Hells Canyon Pres.

Council v. 22 U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus among our sister circuits, 23 with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under 24 certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has a duty to 25 administer justice expeditiously and avoid needless burden for the parties.

See Pagtalunan v. 26 Galaza, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 27 Petitioner will be given an opportunity to explain why the court should not dismiss his 28 case for failure to file an opposition or statement of non-opposition to respondent's motion to 1 | dismiss. Petitioner's failure to respond to this order will constitute a failure to comply with a 2 | court order and will result in dismissal of this case.

Accordingly, petitioner must show cause 3 | within twenty-one days of the date of entry of this order why the court should not dismiss his case 4 | for failure to prosecute. Should petitioner wish to continue with this lawsuit, he shall also file, 5 | within twenty-one days, an opposition or statement of non-opposition. 6 7 IT IS SO ORDERED. Dated: _ June 11, 2025 q——— 9 JEREMY D. PETERSON 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28