

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Diaz v. Samaloston

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown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. Samaloston

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)