

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Antwoine Bealer v. Warden, et al.

Bealer v. Warden · No. 2:23-cv-0284-DC-JDP (P) · Decided November 18, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered plaintiff Antwoine Bealer to show cause within fourteen days why his civil rights action against Doe defendants should not be dismissed. The order was based on plaintiff's failure to comply with a prior order requiring submission of subpoenas and payment of United States Marshal fees, resulting in the case remaining inactive.

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	November 18, 2025
DOCKET	2:23-cv-0284-DC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	In a civil rights action against Doe defendants, the court ordered the plaintiff to show cause why the action should not be dismissed for failure to prosecute after he failed to comply with an order requiring submission of subpoenas and payment of Marshal fees.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

- sanctions
- civil procedure
- civil rights

PRACTICE AREAS

- civil rights
- civil procedure
- prisoners rights

QUESTIONS PRESENTED

1. Whether the court may impose dismissal-related sanctions, including dismissal for failure to prosecute or failure to obey a court order.
2. Whether plaintiff's failure to comply with the subpoena and fee order warranted an order to show cause why the action should not be dismissed.

HOLDINGS

1. The court has inherent authority to control its docket and may impose sanctions, including dismissal, when a party fails to prosecute an action, obey a court order, or comply with local rules.
2. The court did not yet dismiss the action; instead, it ordered plaintiff to show cause within fourteen days why the action should not be dismissed for failure to prosecute.

KEY QUOTATIONS

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)

“Accordingly, it is hereby ORDERED that plaintiff show cause within fourteen days of the date of this order why this action should not be dismissed for failure to prosecute.” (at 2)

FACTUAL BACKGROUND

Plaintiff brought a civil rights action against two Doe defendants and had been attempting to learn their identities. Because he was not proceeding in forma pauperis, the court ordered him to submit two subpoenas and \$130 in fees for service by the United States Marshal. He failed to comply, and the case remained inactive.

PROCEDURAL HISTORY

Plaintiff filed this civil rights action in February 2023 and attempted to identify two Doe defendants. On September 4, 2025, the court ordered plaintiff to provide two completed subpoenas and \$130 in Marshal fees within thirty days. Plaintiff did not respond, and the court issued an order to show cause requiring him to explain within fourteen days why the action should not be dismissed for failure to prosecute.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

Warden

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ANTWOINE BEALER, Case No. 2:23-cv-0284-DC-JDP (P) 12 Plaintiff, 13 v. ORDER 14
WARDEN, et al., 15 Defendants. 16 17 18 Plaintiff filed this civil rights action against two Doe
defendant in February 2023. ECF

19 No. 1. Since that time, plaintiff has attempted to learn the identities of the Doe defendants. As
20 plaintiff is not proceeding in forma pauperis, on September 4, 2025, I ordered plaintiff to send,
21 within thirty days, the United States Marshal (501 I Street, Suite 5600 Sacramento, CA 95814)
22 two completed subpoenas and a check for \$130.00 payable to the USM (\$65.00 for each 23
subpoena). ECF No. 34. Plaintiff has not responded to the September 4 order, and this case has 24
remained inactive. 25 The court has the inherent power to control its docket and may, in the
exercise of that 26 power, impose sanctions where appropriate, including dismissal. *Bautista v.*
Los Angeles Cnty., 27 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel
or of a party to 28 1 | comply with these Rules or with any order of the Court may be grounds for
imposition by the 2 | Court of any and all sanctions . . . within the inherent power of the Court.”).
A court may dismiss 3 | an action based on a party’s failure to prosecute an action, failure to obey a
court order, or failure 4 | comply with local rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424
(9th Cir. 1986) 5 | (dismissal for lack of prosecution and failure to comply with local rules). 6
Accordingly, it is hereby ORDERED that plaintiff show cause within fourteen days of the 7 | date
of this order why this action should not be dismissed for failure to prosecute. 8 9 IT IS SO
ORDERED. Dated: _ November 18, 2025 Q_—.

11 JEREMY D. PETERSON

Db UNITED STATES MAGISTRATE JUDGE

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