

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Dejane Draper, et al. v. Las Vegas Metropolitan Police Department, et al.

Draper · No. 2:25-cv-01119-JAD-MDC · Decided December 22, 2025

SUMMARY

The United States District Court for the District of Nevada adopted a magistrate judge’s report and recommendation and dismissed the case. The dismissal was based on the plaintiffs’ failure to pay the filing fee or submit a renewed in forma pauperis application, comply with an order concerning representation of minor plaintiffs, or otherwise prosecute the action.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Jennifer A. Dorsey
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 22, 2025
DOCKET	2:25-cv-01119-JAD-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court adopted the magistrate judge's report and recommendation and dismissed the action after the plaintiffs failed to pay the filing fee or submit a new in forma pauperis application, failed to obtain counsel for purported minor plaintiffs or clarify that they were adults, and failed to object to the recommendation.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and recommendation because no objections were filed and found good cause to adopt it. The dismissal analysis applied the Ninth Circuit's five-factor framework for dismissal for failure to prosecute, failure to obey a court order, or failure to comply with local rules.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

sanctions

civil procedure

section 1983

civil rights

PRACTICE AREAS

civil procedure

civil rights

federal litigation

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action for failure to comply with court orders and failure to prosecute.
2. Whether the Ninth Circuit's five-factor dismissal framework supported dismissal under the circumstances.
3. Whether adoption of the magistrate judge's report and recommendation was appropriate when no party filed objections.

HOLDINGS

1. A district court may dismiss an action under its inherent docket-management authority when a party fails to obey a court order or otherwise fails to prosecute the action.
2. Dismissal was warranted because the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, and the lack of a meaningful lesser sanction outweighed the public policy favoring disposition on the merits.
3. When no objections are filed, no review of the magistrate judge's report and recommendation is required, and the district court may adopt it upon finding good cause.

KEY QUOTATIONS

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful alternatives.”” (at 2)

“IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation [ECF No. 5] is ADOPTED in its entirety, and THIS CASE IS DISMISSED for the reasons stated in the report and recommendation.” (at 3)

FACTUAL BACKGROUND

The plaintiffs did not comply with an order requiring payment of the filing fee or submission of a new in forma pauperis application. They also failed to obtain counsel for children listed as plaintiffs if those children were minors or clarify that the children were adults. No plaintiff took any required action before the deadline expired.

PROCEDURAL HISTORY

The court had previously denied DeJane Draper's in forma pauperis application and ordered compliance with filing-fee and representation requirements. No plaintiff complied, paid the filing fee, obtained counsel, or filed a response by the deadline. The magistrate judge recommended dismissal, and because no objections were filed, the district judge adopted the recommendation in its entirety and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Housing Authority of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- In re Phenylpropanolamine Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. California Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

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