

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

**Tamisha Lewis-Junge v. Hiland Mountain Correctional Center;
Office of Children Services; and Anchorage School District, et al.**

Lewis-Junge · No. 3:25-cv-00201 RRB; 3:25-cv-00202 RRB; 3:25-cv-00210 RRB · Decided February 20, 2026

OPINION

Lewis-Junge

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

TAMISHA LEWIS-JUNGE,

Plaintiff, Case Nos. 3:25-cv-00201 RRB v. 3:25-cv-00202 RRB

HILAND MOUNTAIN 3:25-cv-00210 RRB

CORRECTIONAL CENTER; OFFICE OF CHILDREN SERVICES; and ANCHORAGE
SCHOOL

DISTRICT, et. al, Defendants.

ORDER OF DISMISSAL

On December 5, 2025, the Court screened sixty-three cases filed by self- represented prisoner Tamisha Lewis-Junge (“Plaintiff”). The Court found all sixty- three cases deficient, but granted Plaintiff leave to file either a First Amended Complaint or a Notice of Voluntary Dismissal in each of the three above-captioned cases.¹ The Court warned Plaintiff that failure to file such a document with the Court within 60 days of the Court’s Screening Order would result in dismissal of these cases without further notice to Plaintiff.² To date, Plaintiff has not responded. ¹ See Docket 6 in each of the three cases.

² Id. at 30.

DISCUSSION

Rule 41(b) of Federal Rules of Civil Procedure permits dismissal due to a plaintiff’s failure to prosecute or comply with a court order. In deciding whether to dismiss on this basis, a district court considers five factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket;

(3) the risk of prejudice to the defendants; (4) the public policy favoring disposition

of cases on their merits; and (5) the availability of less drastic sanctions.”³ Here, the first two factors—the public’s interest in expeditious resolution of litigation and the Court’s need to manage its docket—weigh in favor of dismissal.⁴ Plaintiff’s failure to respond within the specified timeline suggests Plaintiff does not intend to litigate this action diligently.⁵ Further, a presumption of prejudice to a defendant arises when the plaintiff unreasonably delays prosecution of an

action.⁶ Because Plaintiff has not offered any justifiable reason for failing to meet the Court's deadline, the third factor also favors dismissal.⁷ The fourth factor usually 3 *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). 4 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) ("It is incumbent upon the Court to manage its docket without being subject to routine noncompliance of litigants."). 5 *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 652 (9th Cir. 1991) (noting that a plaintiff has the burden to move toward disposition at a reasonable pace and to refrain from dilatory and evasive tactics). 6 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). 7 See, e.g., *Hernandez*, 138 F.3d at 401 (reiterating that the burden of production shifts to the defendant to show at least some actual prejudice only after the plaintiff has given a non-frivolous excuse for delay). weighs against dismissal because public policy favors disposition on the merits.⁸ "At the same time, a case that is stalled or unreasonably delayed by a party's failure to comply with deadlines ... cannot move forward toward resolution on the merits."⁹ The fifth factor is comprised of three subparts, which include "whether the court has considered lesser sanctions, whether it tried them, and whether it warned the [uncooperative] party about the possibility of case-dispositive sanctions."¹⁰ The Court's Order at Docket 6 accorded Plaintiff an opportunity to file a First Amended Complaint and warned her of the potential dismissal of this action in the event of noncompliance.¹¹ Based on the foregoing, these cases must be dismissed for failure to prosecute. The dismissal shall be without prejudice so as to preserve Plaintiff's ability to seek relief.¹² The Court finds no other lesser sanction to be satisfactory or effective in these cases.¹³ 8 *Pagtalunan*, 291 F.3d at 643. 9 In re *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1228 (9th Cir. 2006). 10 *Connecticut Gen. Life Ins. Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007) (internal citation omitted). 11 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) ("A district court's warning to a party that his failure to obey the court's order will result in dismissal can satisfy the consideration of alternatives requirement.") (citation and quotations omitted). 12 *Id.* 13 See, e.g., *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (noting that a district court need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful alternatives) (internal citation omitted). IT IS THEREFORE ORDERED:

1. The above-captioned cases are DISMISSED without prejudice.
2. Any pending motions are DENIED as moot.
3. The Clerk of Court shall issue a final judgment and close this case.

DATED this 20th day of February, at Anchorage, Alaska. /s/ Ralph R. Beistline

RALPH R. BEISTLINE

Senior United States District Judge