

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

James Ray Myers v. Jeremy Bean, et al.

Myers · No. 3:25-cv-00181-MMD-CSD · Decided December 23, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed James Ray Myers’s 42 U.S.C. § 1983 action without prejudice after he failed to file a second amended complaint by the court-ordered deadline. Applying Ninth Circuit dismissal factors, the court concluded that dismissal was warranted for failure to comply with the court’s order and failure to state a claim. The court granted in forma pauperis status but ordered collection of the full filing fee from the plaintiff’s inmate account.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 23, 2025
DOCKET	3:25-cv-00181-MMD-CSD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a prisoner civil-rights action under 42 U.S.C. § 1983. After the court ordered him to file a second amended complaint and warned that failure to do so could result in dismissal, plaintiff neither amended the complaint nor sought an extension. The district court dismissed the action without prejudice.
STANDARD OF REVIEW	The opinion applies the Ninth Circuit's five-factor framework for dismissal for failure to obey a court order or comply with court rules: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the public policy favoring merits decisions, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	unknown
PARTIES	James Ray Myers v. Jeremy Bean, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

federal courts

remedies

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action for plaintiff's failure to obey the order requiring a second amended complaint.
2. Whether the relevant dismissal factors, including prejudice, docket management, merits disposition, and availability of less drastic alternatives, supported dismissal.
3. Whether dismissal without prejudice relieved plaintiff of responsibility for the filing fee under 28 U.S.C. § 1915.

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 comply with applicable court rules.
2. Dismissal was warranted because the factors favoring expeditious resolution and docket management, the presumption of prejudice from unreasonable delay, and the absence of a meaningful lesser alternative outweighed the policy favoring disposition on the merits.
3. Dismissal of the action did not eliminate the obligation to pay the full filing fee under 28 U.S.C. § 1915.

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 this action is dismissed without prejudice based on Plaintiff's failure to file a second amended complaint in compliance with the Court's November 14, 2025 order and for failure to state a claim." (at 3)

FACTUAL BACKGROUND

Myers filed a § 1983 civil-rights action concerning alleged constitutional violations suffered while incarcerated. The court ordered him to file a second amended complaint by December 14, 2025 and expressly warned that failure to comply could result in dismissal. Myers allowed the deadline to expire without filing the required pleading, requesting an extension, or otherwise responding.

PROCEDURAL HISTORY

The court had previously ordered Myers to file a second amended complaint by December 14, 2025, and warned that failure to comply could lead to dismissal. The deadline passed without an amended complaint, motion for extension, or other response. The district court dismissed the action without prejudice, directed entry of judgment and closure of the case, granted in forma pauperis status, and ordered collection of the statutory filing fee.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

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