

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)

OPINION

Myers

PER CURIAM.

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * * 6 JAMES RAY MYERS, Case No. 3:25-cv-00181-MMD-CSD 7 Plaintiff, ORDER v. 8
JEREMY BEAN, et al., 9 Defendants. 10 11 12 Plaintiff James Ray Myers brings this civil rights
action under 42 U.S.C. § 1983 to 13 redress constitutional violations he claims he suffered while
incarcerated. (ECF No. 5.) 14 On November 14, 2025, the Court ordered Plaintiff to file a second
amended complaint 15 by December 14, 2025. (ECF No. 6 at 6.) The Court warned Plaintiff that
the action could 16 be dismissed if he failed to file a second amended complaint by that deadline.
(Id.) That 17 deadline expired, and Plaintiff did not file an amended complaint, move for an
extension, 18 or otherwise respond.

19 I. DISCUSSION

20 District courts have the inherent power to control their dockets and “[i]n the 21 exercise of that
power, they may impose sanctions including, where appropriate . . . 22 dismissal” of a case.
Thompson v. Hous. Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 23 1986). A court may
dismiss an action based on a party’s failure to obey a court order or 24 comply with local rules.
See Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) 25 (affirming dismissal for failure to
comply with local rule requiring pro se plaintiffs to keep 26 court apprised of address); Malone v.
U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987) 27 (dismissal for failure to comply with court
order). In determining whether to dismiss an 28 action on one of these grounds, the Court must
consider: (1) the public’s interest in 2 of prejudice to the defendants; (4) the public policy favoring

disposition of cases on their 3 merits; and (5) the availability of less drastic alternatives. See *In re Phenylpropanolamine 4 Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone, 833 F.2d at 130). 5 The first two factors, the public's interest in expeditiously resolving this litigation 6 and the Court's interest in managing its docket, weigh in favor of dismissal of Plaintiff's 7 claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal 8 because a presumption of injury arises from the occurrence of unreasonable delay in filing 9 a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 10 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of 11 cases on their merits—is greatly outweighed by the factors favoring dismissal. 12 The fifth factor requires the Court to consider whether less drastic alternatives can 13 be used to correct the party's failure that brought about the Court's need to consider 14 dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining 15 that considering less drastic alternatives before the party has disobeyed a court order 16 does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th

17 Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that 18 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court's 19 order as satisfying this element[,]” i.e., like the “initial granting of leave to amend coupled 20 with the warning of dismissal for failure to comply[,]” have been “eroded” by *Yourish*). 21 Courts “need not exhaust every sanction short of dismissal before finally dismissing a 22 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 23 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and 24 unless Plaintiff files a second amended complaint, the only alternative is to enter a second 25 order setting another deadline. But the reality of repeating an ignored order is that it often 26 only delays the inevitable and squanders the Court's finite resources. The circumstances 27 here do not indicate that this case will be an exception. There is no hint that Plaintiff needs 28 additional time or evidence that he did not receive the Court's screening order. Setting 1 || another deadline is not a meaningful alternative given these circumstances. Thus, the 2 || fifth factor favors dismissal.

3 || II. CONCLUSION

4 Having thoroughly considered these factors, the Court finds that they weigh in 5 || favor of dismissal. It is therefore ordered that this action is dismissed without prejudice 6 || based on Plaintiff's failure to file a second amended complaint in compliance with the 7 || Court's November 14, 2025 order and for failure to state a claim. The Clerk of Court is 8 || directed to enter judgment accordingly and close this case. If Plaintiff wishes to pursue 9 || his claims, he must file a complaint in a new case. 10 It is further ordered that Plaintiff's application to proceed in forma pauperis (ECF 11 || No. 4) is granted. Nevertheless, the full filing fee will still remain due even though this 12 || action is dismissed and is otherwise unsuccessful under 28 U.S.C. § 1915. 13 It is further ordered that, under 28 U.S.C. § 1915, the Nevada Department of 14 || Corrections will forward payments from the account of James Ray Myers, #60234 to the 15 || Clerk of the United

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