

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Terrell Moreno Jones v. San Diego Sheriff's Dep't

Jones · No. 25-cv-00779-BAS-KSC · Decided October 30, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Terrell Moreno Jones’s pro se civil rights action under 42 U.S.C. § 1983. The court dismissed the action with prejudice for failure to state a claim and failure to prosecute after Jones did not file an amended complaint as ordered, and certified that an appeal in forma pauperis would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 30, 2025
DOCKET	25-cv-00779-BAS-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court dismissed a pro se detainee's 42 U.S.C. § 1983 civil-rights action after screening the complaint, granting leave to amend, and receiving neither an amended complaint nor a request for an extension.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), with dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Terrell Moreno Jones v. San Diego Sheriff's Department

TOPICS

- prisoners rights
- section 1983
- pleadings
- sanctions
- civil procedure

PRACTICE AREAS

- Prisoner civil rights
- Federal civil procedure
- In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim.
2. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with the court's order requiring amendment.
3. Whether an appeal in forma pauperis would be taken in good faith under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. The action was dismissed with prejudice because the complaint failed to state a claim upon which relief under § 1983 could be granted.
2. The action was dismissed under Rule 41(b) because Jones failed to file an amended complaint or otherwise respond to the court's order.
3. The court certified that an appeal in forma pauperis would not be taken in good faith.

KEY QUOTATIONS

“The failure of the plaintiff eventually to respond to the court’s ultimatum—either by amending the complaint or by indicating to the court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.” (at 2)

FACTUAL BACKGROUND

Terrell Moreno Jones, a detainee proceeding pro se, filed a civil-rights complaint under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. After the court identified pleading deficiencies and granted leave to amend, Jones failed to file an amended complaint by the court-ordered deadline and did not request an extension.

PROCEDURAL HISTORY

Jones filed a § 1983 complaint and moved to proceed in forma pauperis. On August 5, 2025, the court granted the IFP motion, dismissed the action without prejudice with leave to amend under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and ordered Jones to file an amended complaint by October 4, 2025. Jones did not amend or request additional time, so the court dismissed the action with prejudice for failure to state a claim and failure to prosecute, certified that an IFP appeal would not be taken in good faith, and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- Edwards v. Marin Park, 356 F.3d 1058, 1065 (9th Cir. 2004)

OPINION

Jones

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 TERRELL MORENO JONES, Case No. 25-cv-00779-BAS-KSC 12 Plaintiff,

ORDER DISMISSING CIVIL

13 v. ACTION PURSUANT TO 28 U.S.C. §

1915(e)(2)(B)(ii) AND § 1915A(b)(1)

14 SAN DIEGO SHERIFF'S DEP'T,

AND FOR FAILING TO

15 Defendant. PROSECUTE IN COMPLIANCE

WITH COURT ORDER REQUIRING

16

AMENDMENT

17 18 Plaintiff Terrell Moreno Jones, a detainee proceeding pro se, has filed a civil rights 19
complaint pursuant to 42 U.S.C. § 1983, along with a motion to proceed in forma pauperis 20
("IFP"). (See ECF Nos. 1, 2.) 21 On August 5, 2025, the Court granted Jone's IFP motion and
dismissed the case 22 without prejudice and with leave to amend pursuant to 28 U.S.C. §§ 1915(e)
(2)(B)(ii), § 23 1915A(b)(1). (ECF No. 5.) Jones was given until October 4, 2025, to file a First
Amended 24 Complaint that cured the pleading deficiencies outlined in the August 5, 2025 Order.
(Id.) 25 To date, Jones has not filed an amended complaint nor requested an extension of 26 time.
"The failure of the plaintiff eventually to respond to the court's ultimatum—either by 27 amending
the complaint or by indicating to the court that [he] will not do so—is properly 28 1 || met with the
sanction of a Rule 41(b) dismissal." *Edwards v. Marin Park*, 356 F.3d 1058, 2 || 1065 (9th Cir.
2004). 3 The Court DISMISSES this civil action WITH PREJUDICE, for Plaintiffs failure 4 state
a claim upon which § 1983 relief can be granted and for his failure to prosecute as 5 || required by
Court's August 5, 2025 Order. The Court further CERTIFIES that an IFP 6 || appeal would not be
taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) and DIRECTS 7 || the Clerk to enter a final
judgment of dismissal and close the file. 8 IT IS SO ORDERED. 9 ~ 10 || DATED: October 30,
2025 (yi. (Doha H n. Cynthia Bashant, Chief Judge United States District Court 12 13 14 15 16 17
18 19 20 21 22 23 24 25 26 27 28