

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Alana Dunn v. IRS, et al.

Case No. 1:25-cv-0963 JLT EPG · No. 1:25-cv-0963 JLT EPG · Decided September 30, 2025

OPINION

Dunn

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALANA DUNN,) Case No.: 1:25-cv-0963 JLT EPG) 12 Plaintiff,) ORDER DISMISSING
THE ACTION

) WITHOUT PREJUDICE FOR PLAINTIFF’S

13 v.) FAILURE TO PAY THE FILING FEE

) 14 IRS, et al.,)) 15 Defendants.)) 16) 17 The Court ordered Plaintiff to pay the filing fee after finding she was not entitled to proceed in 18 forma pauperis in this matter. (Doc. 8.) The Court denied reconsideration and ordered Plaintiff to pay 19 the filing fee no later than September 25, 2025.¹ (Doc. 10 at 4.) The Court warned Plaintiff that failure 20 to pay the required filing fee as ordered would result in dismissal of this action. (Doc. 10 at 4; Doc. 8 21 at 2.) The deadline expired, and Plaintiff did not pay the filing fee. Without such payment, the action 22 cannot proceed before the Court. See *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022). 23 In finding dismissal is appropriate, the Court has considered the factors outlined by the Ninth 24 Circuit for terminating sanctions, including: “(1) the public’s interest in expeditious resolution of 25 litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the 26 public policy favoring disposition of cases on their merits; and (5) the availability of less drastic 27 28 1 At that time, the Court indicated further motions would not be entertained pending payment of the filing fee. (Doc. 10 at 1 || sanctions.” *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). The public’s interest in 2 || expeditiously resolving this litigation and the Court’s interest in managing the docket weigh in favor 3 || of dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (“The public’s interest 4 || in expeditious resolution of litigation always favors dismissal”); *Ferdik v. Bonzelet*, 963 F.2d 1258, 5 || 1261 (9th Cir. 1992) (district courts have inherent interest in managing their dockets without being 6 || subject to noncompliant litigants). Because Plaintiff delayed the action though her failure to obey the 7 || Court’s order to pay the filing fee, the third factor also supports dismissal. Finally, the Court’s 8 || warnings to Plaintiff that the matter would be dismissed if she failed to pay the filing fee satisfies the 9 ||

requirement of considering alternative sanctions. *Ferdik*, 963 F.2d at 1262. Consequently, the 10 ||
Henderson factors weigh in favor of dismissal for Plaintiff's failure to pay the filing fee as
ordered. 11 || *Malone v. U.S. Postal Service*, 833 F.2d 128, 133 n.2 (9th Cir. 1987) (explaining that
although “the 12 || public policy favoring disposition of cases on their merits ... weighs against
dismissal, it is not 13 || sufficient to outweigh the other four factors”). Thus, the Court ORDERS:
14 1. Plaintiff's complaint is DISMISSED without prejudice. 15 2. The Clerk of Court is directed
to terminate the pending motion and close this case. 16 17 || IT IS SO ORDERED. 18 |! Dated: _
September 29, 2025 Cerin | Tower
19 TED STATES DISTRICT JUDGE
20 21 22 23 24 25 26 27 28