

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Justin A. Kurpiel v. Dr. Avram and Doe Director of Nursing

Kurpiel · No. 2:24-cv-00203-RFB-BNW · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada dismisses Justin A. Kurpiel’s 42 U.S.C. § 1983 action without prejudice. The court concludes that Kurpiel failed to file an amended complaint as ordered, failed to update his mailing address, and failed to state a claim, and it directs the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Richard F. Boulware, II
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	2:24-cv-00203-RFB-BNW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed a pro se prison civil-rights action without prejudice after the plaintiff failed to file an amended complaint by the court-ordered deadline, failed to request an extension or otherwise respond, and failed to maintain a current mailing address.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- sanctions
- pleadings
- section 1983
- civil procedure

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner litigation
- Federal courts

QUESTIONS PRESENTED

- Whether the action should be dismissed for failure to comply with the court's order requiring an amended complaint.

2. Whether dismissal was warranted under the Ninth Circuit's five-factor framework governing dismissal for failure to prosecute or failure to obey a court order.
3. Whether another deadline or other lesser sanction constituted a meaningful alternative to dismissal.

HOLDINGS

1. A district court may dismiss an action when a party fails to obey a court order, and Kurpiel's failure to file the required amended complaint justified dismissal without prejudice.
2. The public interest in expeditious resolution, the court's need to manage its docket, the presumption of prejudice from unreasonable delay, and the inadequacy of lesser alternatives outweighed the policy favoring resolution on the merits.

KEY QUOTATIONS

“District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.” (at 2)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 3)

“The reality of repeating an ignored order is that it often only delays the inevitable and squanders the Court’s finite resources.” (at 3)

“IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice based on Kurpiel’s failure to file an amended complaint in compliance with this Court’s May 14, 2025, order and for failure to state a claim.” (at 3)

FACTUAL BACKGROUND

Justin Kurpiel asserted constitutional claims under 42 U.S.C. § 1983 based on alleged events at High Desert State Prison. The court ordered him to file an amended complaint by June 12, 2025, and expressly warned that failure to comply could result in dismissal. He did not file an amended complaint, request additional time, or otherwise respond, and court mail was returned because he had not updated his address after leaving incarceration.

PROCEDURAL HISTORY

Kurpiel brought an action under 42 U.S.C. § 1983 concerning alleged constitutional violations while he was incarcerated. On May 14, 2025, the court ordered him to file an amended complaint by June 12, 2025, and warned that failure to do so could result in dismissal. Kurpiel did not amend, seek an extension, or respond; he was also no longer incarcerated and had not updated his mailing address. The court dismissed the action without prejudice and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of Los Angeles, 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 Service, 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

2 UNITED STATES DISTRICT COURT 3 DISTRICT OF NEVADA 4 *** 5 JUSTIN A. KURPIEL, Case No. 2:24-cv-00203-RFB-BNW 6 Plaintiff DISMISSAL ORDER 7 v. 8 DR. AVRAM AND DOE DIRECTOR OF NURSING, 9 Defendants. 10 11 Plaintiff Justin Kurpiel brings this civil-rights action under 42 U.S.C. § 1983 to redress 12 constitutional violations that he claims he suffered while incarcerated at High Desert State Prison.

13 ECF No. 11 at 1. On May 14, 2025, this Court ordered Kurpiel to file an amended complaint by 14 June 12, 2025. ECF No. 21 at 2. The Court warned Kurpiel that the action could be dismissed if 15 he failed to file an amended complaint by that deadline. *Id.* That deadline expired, and Kurpiel did 16 not file an amended complaint, move for an extension, or otherwise respond.

In addition, Kurpiel 17 is no longer incarcerated and has failed to update his mailing address, so his mail is being returned 18 as undeliverable. 19 I. DISCUSSION 20 District courts have the inherent power to control their dockets and “[i]n the exercise of 21 that power, they may impose sanctions including, where appropriate... dismissal” of a case. 22 *Thompson v. Hous.*

Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may 23 dismiss an action based on a party’s failure to obey a court order or comply with local rules. See 24 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply 25 with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal* 26 *Service*, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court order). In 27 determining whether to dismiss an action on one of these grounds, the Court must consider: (1) 28 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 2 cases on their merits; and (5) the availability of less drastic alternatives. See *In re* 3 *Phenylpropanolamine Prod.*

Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 4 833 F.2d at 130). 5 The first two factors, the public’s interest in expeditiously resolving this litigation and the 6 Court’s interest in managing its docket, weigh in favor of dismissing Kurpiel’s claims.

The third 7 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of 8 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court 9 or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

The fourth 10 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by 11 the factors favoring dismissal. 12 The fifth factor requires the Court to consider whether less drastic alternatives can be used 13 to correct the party’s failure that brought about the Court’s need to consider dismissal. See *Yourish 14 v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic 15 alternatives before the party has disobeyed a court order does not satisfy this factor); accord 16 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive 17 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives 18 prior to disobedience of the court’s order as satisfying this element[,]” i.e., like the “initial granting 19 of leave to amend coupled with the warning of dismissal for failure to comply[,]” have been 20 “eroded” by *Yourish*).

Courts “need not exhaust every sanction short of dismissal before finally 21 dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 22 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and 23 unless Kurpiel files an amended complaint, the only alternative is to enter a second order setting 24 another deadline.

But the reality of repeating an ignored order is that it often only delays the 25 inevitable and squanders the Court’s finite resources. The circumstances here do not indicate that 26 this case will be an exception: there is no hint that Kurpiel needs additional time or evidence that 27 he did not receive the Court’s screening order. Setting another deadline is not a meaningful 28 alternative given these circumstances.

So, the fifth factor favors dismissal. 1) UL. CONCLUSION 2 Having thoroughly considered these factors, the Court finds that they weigh in favor of 3 || dismissal. 4 IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice 5 || based on Kurpiel’s failure to file an amended complaint in compliance with this Court’s May 14, 6 || 2025, order and for failure to state a claim.

7 The Clerk of Court is directed to enter judgment accordingly and close this case. No other 8 || documents may be filed in this now-closed case. If Kurpiel wishes to pursue his claims, he must 9 || file a complaint in a new case. 10 11 DATED: December 29, 2025. 13 RICHARD F. BOULWARE, II 14 UNITED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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