

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

Matthew Chapman v. United States Forest Service

Chapman · No. 1:22-cv-01531-BAM · Decided December 23, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MATTHEW CHAPMAN, Case No. 1:22-cv-01531-BAM 12 Plaintiff,
ORDER DISMISING ACTION, WITH PREJUDICE, FOR FAILURE TO STATE A 13 v. CLAIM
AND FAILURE TO OBEY COURT ORDER 14 UNITED STATES FOREST SERVICE, 15
Defendant. 16 I. Background 17 Plaintiff Matthew Chapman (“Plaintiff”), proceeding pro se and
in forma pauperis, 18 initiated this action on November 29, 2022.

(Doc. 1.) On July 28, 2025, the Court issued an 19 order granting in part and denying in part
Defendant United States Forest Service’s (“Defendant”) 20 motion to dismiss the First Amended
Complaint. (Doc. 30.) The Court granted leave to amend 21 only to the extent that Plaintiff is able
to allege facts sufficient to state a claim regarding the 22 supposed “fourth permit” identified in
his Opposition.

(Docs. 27 at 3, 30.) Plaintiff was ordered 23 to either file a Second Amended Complaint or a
notice of dismissal within twenty-one days from 24 the date of service of the Order. (Doc. 30 at
22.) Plaintiff was warned that failure to timely file 25 either document would result in dismissal of
this case, with prejudice, for failure to comply with a 26 Court order and failure to state a claim.

(Id.) The deadline to file either document expired and 27 Plaintiff did not file either a Second
Amended Complaint or a notice of dismissal. 28 1 On September 3, 2025, Plaintiff filed a notice
of appeal to the United States Court of 2 Appeals for the Ninth Circuit. (Doc. 31.)

On September 29, 2025, the Ninth Circuit dismissed 3 the appeal on the grounds that the District
Court’s dismissal order is not final or immediately 4 appealable and as a result the Ninth Circuit
lacked jurisdiction over the appeal. (Doc. 34.)

On 5 November 21, 2025, the Ninth Circuit issued the formal mandate pursuant to Rule 41(a) of
the 6 Federal Rules of Appellate Procedure. (Doc. 35.) 7 On November 24, 2025, the Court again
ordered Plaintiff to file either a Second Amended 8 Complaint relating only to the facts regarding
the supposed “fourth permit” identified in 9 Plaintiff’s Opposition or file a notice of dismissal
within twenty-one days from the date of service 10 of the order.

(Doc. 36.) Plaintiff was warned again that failure to comply with this order will 11 result in
dismissal. (Id. at 2.) Plaintiff has not filed a Second Amended Complaint or otherwise 12

communicated with the Court, and the deadline to do so has expired. 13 II. Legal Standard 14 Local Rule 110 provides that “[f]ailure... of a party to comply with these Rules or with 15 any order of the Court may be grounds for imposition by the Court of any and all sanctions...

16 within the inherent power of the Court.” District courts have the inherent power to control their 17 dockets and “[i]n the exercise of that power they may impose sanctions including, where 18 appropriate,... dismissal.” *Thompson v. Hous. Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A 19 court may dismiss an action, with prejudice, based on a party’s failure to obey a court order or 20 failure to comply with local rules.

See, e.g., *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) 21 (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th 22 Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); 23 *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130–33 (9th Cir. 1987) (dismissal for failure to 24 comply with court order).

25 In determining whether to dismiss an action, the Court must consider several factors: (1) 26 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 27 docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of 28 cases on their merits; and (5) the availability of less drastic sanctions.

Henderson v. Duncan, 779 1 F.2d 1421, 1423 (9th Cir. 1986); *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). 2 III. Discussion 3 Here, Plaintiff has failed to comply with the Court’s orders to either file a Second 4 Amended Complaint or a notice of dismissal. (Docs. 30, 36.)

The Court cannot effectively 5 manage its docket if Plaintiff fails to follow the Court’s orders. Thus, the Court finds that both the 6 first and second factors weigh in favor of dismissal. *Harrison v. Hernandez*, No. 1:22-CV- 7 01143-BAM-PC, 2022 WL 17722349, at *1 (E.D. Cal. Dec. 15, 2022), report and 8 recommendation adopted, No. 1:22-CV-01143-ADA-BAM-PC, 2023 WL 2655769 (E.D.

Cal. 9 Mar. 27, 2023). 10 The third factor, risk of prejudice to Defendant, weighs in favor of dismissal, since a 11 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action. 12 *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976).

The fourth factor usually weighs against 13 dismissal because public policy favors disposition on the merits. *Pagtalunan v. Galaza*, 291 F.3d 14 639, 643 (9th Cir. 2002). However, “this factor lends little support to a party whose 15 responsibility it is to move a case toward disposition on the merits but whose conduct impedes 16 progress in that direction,” which is the case here.

In *re Phenylpropanolamine (PPA) Products* 17 Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006) (citation omitted). Additionally, this 18 Court has already reviewed the merits of the action

extensively in its ruling on Defendant's 19 Motion to Dismiss the First Amended Complaint. (Doc. 30.)

The Court granted Defendant's 20 Motion to Dismiss on all claims regarding the Forest Road Special Use (Temporary) Permit, the 21 Non-Federal Commercial Road Use Permit, and the Term Forest Road Special Use Permit, and 22 granted leave to amend only with regard to the purported fourth permit. (Id. at 1.) Plaintiff has 23 not filed an amended complaint to allege facts sufficient to state a claim regarding this supposed 24 fourth permit.

(Id. at 1-2.) This factor accordingly weighs in favor of dismissal. 25 The fifth factor weighs in favor of dismissal. The fact that the Court allowed Plaintiff an 26 additional twenty-one days to amend his complaint constitutes an attempt at a less drastic 27 sanction than dismissal. *Ferdik*, 963 F.2d at 1262. Both the Court's July 28, 2025 and November 28 24, 2025 orders expressly warned Plaintiff that his failure to comply with the orders would result 1 in dismissal of the action.

(Docs. 30, 36.) Plaintiff had adequate warning that dismissal could 2 result from his noncompliance. *Harrison*, 2022 WL 17722349, at *2. Additionally, at this stage 3 in the proceedings there is little available to the Court that would constitute a satisfactory lesser 4 sanction while protecting the Court from further unnecessary expenditure of its scarce resources.

5 Plaintiff is proceeding in forma pauperis in this action, making monetary sanctions of little use, 6 and the preclusion of evidence or witnesses is likely to have no effect given that Plaintiff has 7 ceased litigating his case. *Id.*; *Gastelum v. Petco Animal Supplies Stores, Inc.*, No. 1:22-CV- 8 00792-BAM, 2022 WL 17822092, at *2 (E.D. Cal. Dec. 20, 2022).

9 IV. Order 10 Accordingly, the Court HEREBY ORDERS that this action be dismissed, with prejudice, 11 based on Plaintiff's failure to obey court orders and failure to state a claim. The Clerk is directed 12 to close this case. 13 IT IS SO ORDERED. 14 15 Dated: December 23, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28