

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Sanchez v. Paramo

Sanchez · No. 3:24-cv-01591 · Decided April 24, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Juan Sanchez’s § 1983 civil rights action against correctional officials for failure to state a claim and failure to prosecute. The court also certified that an appeal would not be taken in forma pauperis and directed entry of final judgment and closure of the case.

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	April 24, 2025
DOCKET	3:24-cv-01591
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened a pro se prisoner's amended 42 U.S.C. § 1983 complaint under the in forma pauperis and prisoner-screening statutes, granted leave to amend, and dismissed the action after the plaintiff failed to file another amended complaint or otherwise comply with the court's order.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. §§ 1915(e)(2) and 1915A; dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- section 1983
- prisoners rights
- statute of limitations
- pleadings
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- statute of limitations
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed under 28 U.S.C. §§ 1915(e)(2) and 1915A for failure to state a claim because the claims were barred by the statute of limitations.
2. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to comply with the court's order and failure to prosecute.
3. Whether the court should certify that an appeal taken in forma pauperis would not be taken in good faith.

HOLDINGS

1. The action was properly dismissed in its entirety for failure to state a claim because the plaintiff's amended § 1983 claims were barred by the statute of limitations.
2. A plaintiff's failure to respond to the court's ultimatum by either amending the complaint or informing the court that no amendment would be filed warranted dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
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 [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.”
(at 2)

FACTUAL BACKGROUND

Juan Sanchez, proceeding pro se, alleged that correctional officials violated his constitutional rights while he was incarcerated at Richard J. Donovan Correctional Facility in 2019. The court had determined that his amended § 1983 claims were untimely and gave him an opportunity to amend. Sanchez did not submit a further amendment or request additional time, and an earlier court order was initially returned as undeliverable before being remailed to another prison address.

PROCEDURAL HISTORY

On January 15, 2025, the court granted Plaintiff leave to proceed in forma pauperis and leave to amend, but dismissed the amended complaint at screening as barred by the statute of limitations while allowing 45 days to amend again. The court warned that failure to act would result in dismissal for failure to state a claim and failure to prosecute. Plaintiff did not amend, request an extension, or file a change-of-address notice, so the court dismissed the action and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

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

