

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harper v. Campbell

No. 1:24-cv-01549 JLT EPG (E.D. Cal. May 7, 2025) · No. 1:24-cv-01549 JLT EPG · Decided May 7, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Daniel Harper's action against Tammy Campbell and others without prejudice because Harper failed to pay the filing fee after being ordered to do so. The court considered the Ninth Circuit's factors for terminating sanctions and directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 7, 2025
DOCKET	1:24-cv-01549 JLT EPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action dismissed without prejudice after the plaintiff failed to pay the filing fee following an order denying in forma pauperis status.
STANDARD OF REVIEW	The Court applied the Ninth Circuit's five-factor analysis for terminating sanctions and dismissal for failure to comply with a court order.
PRECEDENTIAL VALUE	Unknown; district-court order with no reporter citation

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice because Plaintiff failed to pay the filing fee as ordered.

2. Whether the Ninth Circuit's factors governing terminating sanctions supported dismissal.

HOLDINGS

1. A district court may dismiss an action without prejudice when a plaintiff fails to comply with an order requiring payment of the filing fee after being warned that noncompliance may result in dismissal.

KEY QUOTATIONS

“(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” (at 1)

“Consequently, the Henderson factors weigh in favor of dismissal for Plaintiffs failure to pay the filing fee as ordered.” (at 2)

FACTUAL BACKGROUND

The Court ordered Daniel Harper to pay the filing fee after determining that he was not entitled to proceed in forma pauperis. The order warned that failure to pay would result in dismissal. More than 30 days passed without payment, preventing the action from proceeding.

PROCEDURAL HISTORY

The Court previously determined that Plaintiff was not entitled to proceed in forma pauperis and ordered him to pay the filing fee. The Court warned that failure to pay would result in dismissal. Plaintiff did not pay within more than 30 days, so the Court dismissed the action without prejudice and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Saddozai v. Davis, 35 F.4th 705, 709 (9th Cir. 2022)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261-1262 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 n.2 (9th Cir. 1987)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 DANIEL HARPER,) Case No.: 1:24-cv-01549 JLT EPG) 12 Plaintiff,)
ORDER DISMISSING ACTION WITHOUT) PREJUDICE FOR PLAINTIFF’S FAILURE TO
13 v.) PAY THE FILING FEE) 14 TAMMY CAMPBELL, et al.,)) 15 Defendants.)) 16) 17

The Court ordered Plaintiff to pay the filing fee after finding he was not entitled to proceed in 18 forma pauperis in this matter.

(Doc. 18.) The Court warned Plaintiff that failure to pay the required 19 filing fee as ordered would result in dismissal of this action. (Id. at 3.) More than 30 days have passed, 20 and Plaintiff failed to pay the required filing fee. Without such payment, the action cannot proceed 21 before the Court. See *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

22 In finding dismissal is appropriate, the Court has considered the factors outlined by the Ninth 23 Circuit for terminating sanctions, including: “(1) the public’s interest in expeditious resolution of 24 litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the 25 public policy favoring disposition of cases on their merits; and (5) the availability of less drastic 26 sanctions.” *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.

1986). The public’s interest in 27 expeditiously resolving this litigation and the Court’s interest in managing the docket weigh in favor 28 of dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (“The public’s interest 1 expeditious resolution of litigation always favors dismissal”); *Ferdik v. Bonzelet*, 963 F.2d 1258, 2 |) 1261 (th Cir.

1992) (district courts have inherent interest in managing their dockets without being 3 || subject to noncompliant litigants). Because Plaintiff delayed the action though his failure to obey the 4 || Court’s order to pay the filing fee, the third factor also supports dismissal.

Finally, the Court’s warnir 5 || to Plaintiff that the matter could be dismissed satisfies the requirement of considering alternative 6 || sanctions. *Ferdik*, 963 F.2d at 1262. Consequently, the Henderson factors weigh in favor of dismissal 7 || for Plaintiffs failure to pay the filing fee as ordered. *Malone v. U.S. Postal Service*, 833 F.2d 128, 13 8 |} n.2 (9th Cir.

1987) (explaining that although “the public policy favoring disposition of cases on their 9 merits... weighs against dismissal, it is not sufficient to outweigh the other four factors”). Thus, the 10 || Court ORDERS: 11 1. Plaintiff’s complaint is DISMISSED without prejudice. 12 2.

The Clerk of Court is directed to close this case. 13 14 IS SO ORDERED. 15 Dated: _ May 7, 2025 (uf Twn 16 TED STATES DISTRICT JUDGE 17 18 19 20 21 22 23 24 25 26 27 28