

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.

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 warning 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 Tw n 16 TED STATES DISTRICT JUDGE 17 18 19 20 21 22 23 24 25 26 27 28