

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony Latanzio v. Martinez, et al.

Latanzio v. Martinez · No. 1:24-cv-01352-BAM (PC) · Decided December 8, 2025

SUMMARY

The document is a magistrate judge’s Findings and Recommendations in Anthony Latanzio’s 42 U.S.C. § 1983 action against Martinez and others. It recommends dismissal without prejudice for failure to prosecute and failure to obey a court order after Plaintiff failed to respond to a screening order, and directs the Clerk to randomly assign a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 8, 2025
DOCKET	1:24-cv-01352-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A magistrate judge issued findings and recommendations that the prisoner's § 1983 action be dismissed without prejudice for failure to obey a court order and failure to prosecute, and ordered the Clerk to randomly assign a district judge.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to obey a court order is evaluated under the five-factor test considering the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Anthony Latanzio v. Martinez, et al.

TOPICS

- civil procedure
- sanctions
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to respond to the screening order and failure to prosecute warranted dismissal without prejudice.
2. Whether the five-factor dismissal analysis supported dismissal and whether less drastic sanctions were adequate alternatives.

HOLDINGS

1. A district court may dismiss an action, including without prejudice, when a party fails to prosecute, fails to obey a court order, or fails to comply with applicable local rules, provided the relevant dismissal factors support that sanction.
2. Dismissal without prejudice was the appropriate recommended sanction because Plaintiff ignored the Court's order and ceased litigating, while lesser sanctions appeared unlikely to be effective.

KEY QUOTATIONS

"In determining whether to dismiss an action, the Court must consider several factors: (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 4)

"Thus, Plaintiff had adequate warning that dismissal could result from his noncompliance." (at 7)

FACTUAL BACKGROUND

Anthony Latanzio, a state prisoner proceeding pro se and in forma pauperis, brought a § 1983 action alleging civil-rights violations. The Court's screening order found a cognizable Eighth Amendment failure-to-protect claim against Defendants Dominguez and Martinez, but no other cognizable claims, and directed Plaintiff to amend or elect to proceed on the identified claims. Plaintiff failed to respond or otherwise communicate with the Court after the deadline expired, despite being warned that noncompliance could result in dismissal without prejudice.

PROCEDURAL HISTORY

Plaintiff filed a pro se, in forma pauperis civil-rights action under 42 U.S.C. § 1983. After screening the complaint, the Court found a cognizable failure-to-protect claim against Defendants Dominguez and Martinez but required Plaintiff either to file an amended complaint or elect to proceed on those claims. Plaintiff did neither by the deadline, prompting these findings and recommendations for dismissal without prejudice. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), with a fourteen-day objection period.

DISPOSITION

other

CASES CITED

- Thompson v. Hous. Auth., 782 F.2d 829, 831 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- In re Phenylpropanolamine (PPA) Prods. Liab. Litig., 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/anthony-latanzio-v-martinez-et-al-eo3onyv4>