

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Marcus Dean Gray v. Commissioner of Social Security

Gray v. Commissioner of Social Security · No. 2:24-cv-03155-CSK · Decided June 17, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Marcus Dean Gray’s Social Security action for failure to prosecute under Federal Rule of Civil Procedure 41(b). The court found that Plaintiff failed to file a motion for summary judgment or respond to an order to show cause, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 17, 2025
DOCKET	2:24-cv-03155-CSK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action seeking judicial review of a Social Security decision but failed to file his required motion for summary judgment and failed to respond to an order to show cause.
STANDARD OF REVIEW	The court applied the Rule 41(b) involuntary-dismissal factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to the defendant, the availability of less drastic alternatives, and the public policy favoring disposition on the merits.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- sanctions
- summary judgment
- administrative law

PRACTICE AREAS

- civil procedure
- Social Security judicial review
- administrative law

QUESTIONS PRESENTED

1. Whether the action should be involuntarily dismissed under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute the case and failed to comply with the court's scheduling order and order to show cause.

HOLDINGS

1. A district court may sua sponte dismiss an action for failure to prosecute or failure to comply with court rules or orders when the applicable Rule 41(b) factors support dismissal. Because Plaintiff failed to file his summary-judgment motion, ignored the order to show cause, and left the case without progress, dismissal was appropriate.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 41, a court may dismiss an action for failure to prosecute or failure to comply with the Federal Rules of Civil Procedure, the court’s local rules, or any order of the court.” (at 1)

“Finally, as to the public policy favoring disposition of cases on their merits, that factor is outweighed here. Indeed, it is Plaintiff’s own failure to prosecute the case and comply with the rules that precludes a resolution on the merits.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a Social Security judicial-review action with the aid of counsel. Under the scheduling order, Plaintiff was required to file a motion for summary judgment after the Commissioner filed the administrative transcript, but Plaintiff missed the deadline and did not file the motion. Plaintiff also failed to respond to the court's subsequent order to show cause.

PROCEDURAL HISTORY

Plaintiff filed the action on November 19, 2024. After the Commissioner filed the administrative transcript, Plaintiff's motion for summary judgment became due on March 31, 2025, but Plaintiff did not file it. The court issued an order to show cause on April 25, 2025, directing Plaintiff either to explain the failure or file the motion within fourteen days. Plaintiff did neither, and the court dismissed the action for failure to prosecute and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)
- Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 890 (9th Cir. 2019)

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