

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Allen Hammler v. Del Pilar, et al.

Hammler v. Del Pilar · No. 1:25-cv-01493-BAM (PC) · Decided December 12, 2025

SUMMARY

The court recommends dismissing Allen Hammler’s 42 U.S.C. § 1983 action without prejudice for failure to obey an order and failure to prosecute. The recommendation follows Plaintiff’s failure to submit an in forma pauperis application or pay the filing fee after being warned that noncompliance could result in dismissal.

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, Eastern District of California
DECIDED	December 12, 2025
DOCKET	1:25-cv-01493-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se state prisoner brought a civil-rights action under 42 U.S.C. § 1983. After the court ordered him to submit an in forma pauperis application or pay the filing fee and warned that noncompliance could result in dismissal, he failed to respond. The magistrate judge recommended dismissal without prejudice and directed the clerk to randomly assign a district judge.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor test for dismissal for failure to prosecute or failure to obey a court order: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; no reporter citation or precedential designation appears.

TOPICS

- sanctions
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

case management and sanctions

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to obey the court's order requiring payment of the filing fee or submission of an in forma pauperis application.
2. Whether dismissal without prejudice was warranted under the factors governing dismissal for failure to prosecute and failure to comply with a court order.
3. Whether a lesser sanction was adequate under the circumstances.

HOLDINGS

1. A district court may dismiss an action when a party fails to prosecute, fails to obey a court order, or fails to comply with applicable local rules, subject to consideration of the relevant dismissal factors and less drastic alternatives.
2. Dismissal without prejudice was the appropriate recommended sanction because Plaintiff failed to comply with the order requiring an in forma pauperis application or payment of the filing fee, failed to prosecute the action, and had received adequate warning of the consequences.

KEY QUOTATIONS

"In the exercise of that power they may impose sanctions including, where appropriate, . . . dismissal." (at 2)

"this factor lends little support to a party whose responsibility it is to move a case toward disposition on the merits but whose conduct impedes progress in that direction" (at 4)

FACTUAL BACKGROUND

Plaintiff Allen Hammler, a state prisoner proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983. The court ordered him to submit an application to proceed in forma pauperis or pay the \$405 filing fee and expressly warned that failure to comply could result in dismissal. Plaintiff missed the deadline, did not pay the fee, did not submit the application, and did not otherwise communicate with the court.

PROCEDURAL HISTORY

On November 5, 2025, the court ordered Plaintiff to submit a completed application to proceed in forma pauperis or pay the \$405 filing fee. Plaintiff did neither by the deadline and did not otherwise communicate with the court. The magistrate judge issued findings and recommendations recommending dismissal without prejudice for failure to obey a court order and failure to prosecute, subject to objections within fourteen days under 28 U.S.C. § 636(b)(1).

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, 1260-61 (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 (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) Products Liability Litigation, 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)